



# POLICY AND PLANNING: A PRACTICAL CRITICAL THEORY APPROACH

dr. gerry ewert



## Table of Contents

<b>WHAT IS POLICY?.....</b>	<b>5</b>
<b>Overview of Intent, Action and Consequence components.....</b>	<b>8</b>
<b>Conversation and Discussion .....</b>	<b>9</b>
Rational Discussion .....	12
Ethical Communicative Action .....	14
<b>Policy Components .....</b>	<b>16</b>
Intent.....	16
Action .....	17
Consequence.....	19
<b>Role Of The Public Servant .....</b>	<b>20</b>
<b><i>Enough Theory on Policy (for now)—How to .....</i></b>	<b>22</b>
<b>Conceptual Mind Mapping .....</b>	<b>22</b>
<b>POLICY AND PLANNING PROCESS — TRANSFORMING POLICY INTO OUTCOMES .....</b>	<b>24</b>
POLICY/PLANNING FRAMEWORK .....	25
<b><i>GENERAL POLICY MODEL — Practical Application of Critical Theory .....</i></b>	<b>42</b>
<b>PROBLEMS IN PRACTICE .....</b>	<b>42</b>
Scenario 1.....	42
Scenario 2.....	44
Scenario 3.....	44
<b>CONCEPTUAL MODEL.....</b>	<b>45</b>
<b>Policy as Practice .....</b>	<b>48</b>
Legitimation Crisis .....	49
Communicative Action .....	51
Comprehensive Framework .....	54
<b>Policy Components .....</b>	<b>58</b>
Intent.....	58
Action .....	68
Consequences .....	69
Consequences includes both anticipated and actual outcomes: .....	70
<b><i>INTEGRATION AND APPLICATION.....</i></b>	<b>72</b>
<b>Technical Interests .....</b>	<b>72</b>
<b>Practical Interests .....</b>	<b>78</b>
Culture .....	82
<b>Emancipation.....</b>	<b>85</b>
CONCLUDING COMMENTS.....	86
<b><i>PERSPECTIVE ON THE GOVERNMENTAL POLICY CONTEXT .....</i></b>	<b>88</b>
<b>Problem of Bureaucracy .....</b>	<b>89</b>
<b>Organization and Individual Dynamic .....</b>	<b>93</b>

<b>The Role of the Public Servant .....</b>	<b>97</b>
Abbreviated Evolution of Authority .....	101
<b><i>SPECIFIC ROLE AND GUIDELINES FOR THE CIVIL SERVANT.....</i></b>	<b>106</b>
<b>Responsibilities Of The Civil Servant .....</b>	<b>106</b>
<b>Civil Servants And The “Good” .....</b>	<b>110</b>
<b>Civil Servants And Ethical Guidelines .....</b>	<b>111</b>
<b>Ethical Principles.....</b>	<b>115</b>
Public Orientation .....	115
Reflective Choice.....	121
Veracity .....	124
Procedural Respect .....	125
Restraint on Means .....	128
<b>Concluding Comments .....</b>	<b>131</b>
<b><i>BIBLIOGRAPHY .....</i></b>	<b>132</b>

## INTRODUCTION

How do I, through my role as a civil servant in a government ministry, ethically develop, implement, and evaluate policies? Implicit in this question is the assumption that in my role as a civil servant I should act ethically. Leaving aside for the moment the different individual and group definitions of ethical actions, I believe it is reasonable to assume that these individuals and groups in society would want their civil servants to act ethically.

This question became an issue through my experiences as a planner and policy consultant in two ministries of education in Canada. It also formed the core of my master's and doctoral work at the Harvard Graduate School of Education and the resulting dissertation "Ethical Educational Policy—The Development of a Practical Theory" was my answer to that original question in 1988.

Since that time, I have worked as a planner and policy consultant in another ministry of education in Canada, as well as served as an advisor on education planning in a third world country, and as a policy advisor on health and education planning in a developing country. My last international work was the development of the legislative framework for national, state, and district level monitoring and evaluation system for education. I had worked previously on developing systematic monitoring tools for wide-scale decentralized functions in a developing country. Since 1988, I have been able to test the theory, to elaborate aspects that were perhaps underdeveloped, and essentially translate the theory into practice. This book is the result of that process.

The approach to policy and planning presented in this book focuses on an ethical process and foundational methodology for planning and policy work—not on how to do the necessary research at each stage. It is assumed that practitioners have or have access to the skills necessary, and the handbook provides a guide as to which approach is appropriate at which point. The conceptual mind mapping section is included because it is the only tool I know with which to break out of habitual patterns of thinking.

While the examples used are focused on the educational policy area, as that is my background, the planning and policy approach presented is generic and applicable to all areas of planning and policy work.

The ethical issue for policy arises out of the nature of policy as an applied bureaucratic activity in a democracy, and not because of the geographical location or personnel of the specific government bureaucracies involved.<sup>1</sup> Policy is teleological, that is, it is purposeful. Because it

---

<sup>1</sup> Rather than focus on the actions of specific personnel, typical of case study approaches, I intend to focus on the normative expectations inherent in a hierarchically structured bureaucratic organization. The functional role of a civil servant is determined primarily by his or her place in the organization and the normative expectations that impact the civil servant.

has a purpose, it necessarily assumes some notion of a goal to be achieved that is presumed to be an improvement over the current situation. It is an ethical concern as it inherently encompasses some, usually unstated, vision of the “good” society and, as an applied bureaucratic activity, is imposed on the larger society. If the larger society is in agreement with the implicit assumption as to the “good” society, it is all well and good. If policy is simply the imposition of someone with bureaucratic power, then it most certainly raises ethical concerns.<sup>2</sup>

We reproduce our society with every action. Even if we do not consciously consider each action, it contributes to reproducing our society. When we consciously consider our actions before acting, we are consciously reproducing our society. Policy is a specific form of conscious social reproduction.<sup>3</sup>

Simply stated, conscious social reproduction reflects the difference between acting and reacting where acting is a conscious activity and reacting is simply responding to stimuli. We replicate our culture every day through every action—most of the time unconsciously. The notion of conscious activity implies that the action is socially purposeful—in other words, intentionally oriented toward either maintaining or changing cultural norms. For example, if everyone got up one morning and started driving on the left side of the road things would work fine, but we would have reproduced a changed society that now drives on the left side of the road. Or, think what would happen if everyone was in the habit of picking up garbage at campsites—our environment would be markedly cleaner. Rather mundane examples, but you get the point.

Related to the concept of conscious social reproduction is the realization that actions have historical significance. Whether the action is in thought, word, or deed—consciously deliberate or an unconscious reaction—each action arises out of the merging of the complete historical past of the universe, the individual’s discrete past, and every other individual existing at present that interact to contribute to the shape of the future. We function within the complex nexus of forces and events largely unknown to us. Decisions made, or not made, today delimit future choices in tangible ways.

There are no completely unimportant actions. Each of us is actively engaged in reproducing our society and culture. We modify, transform and/or replicate our society and its institutions through our daily actions. There is a difference between conscious choice and habitual response. However, it would be in error to assume that our society and culture is the product of

---

<sup>2</sup> I am reminded of a microcosm example of this. An extended care facility was built and presented on the basis of being the residents’ home. To accommodate the smokers in residence (a large number of them), special rooms were constructed so they did not have to go through a lengthy process to go outside, especially in winter. However, a new facility manager arrived and decided that smoking was unhealthy, which it is, and proceeded to transform the well-ventilated smoking rooms into offices for favoured staff members. So much for it being the residents’ home. In addition, the aggravation and difficulty of residents going outside in all weather conditions was hardly conducive to overall well-being.

<sup>3</sup> Jürgen Habermas introduced me to this concept and the critical role government has. My understanding of the concept was aided greatly by Sylvia Benhabib’s discussion of this aspect of his thought.

reflective reason. Culture, language, and the capacity to reason come in evolution and develop together. Everyone is born into a cultural context which their brain can absorb, but not design, for the societal culture exists only by the co-existence of all the other brains constantly absorbing and modifying parts of the cultural context in the daily process of their lives. It is a truism that the most intelligent person in the world is not as intelligent as the knowledge of all us together.

Social reproduction is a continuous and ongoing process. Each of us has the responsibility to act in a manner to enhance and preserve the capacity of present and future generations to actively participate in conscious social reproduction. This responsibility is defined by the normative values enshrined in formal laws and regulations. It is also defined by the social normative values that culturally delimit the appropriate ways and means that individuals in the society interact with each other.

These defining laws and values are in turn bounded by democratic principles designed to preserve democracy from the tendency for majority power to be used to coerce minorities into a single definition of the “good” life. The articulation of normative values in formal laws and regulations can be problematic. Governments pass laws to implement policies for gun control, or against hate speech that are not the same as laws traditionally understood<sup>4</sup> but are oriented more to transforming society in a conscious manner. They are reflective only of the normative value of a limited proportion of the population and not the society at large, and are geared to producing a dramatically different society in particular ways.

Not all laws made by government have the same normative value,<sup>5</sup> and using “law” to enforce a particular point of view on debatable matters is authoritarian. When expressing an opinion on matters the government deems not to be open to criticism results in punishment greater than that for theft or physical assault, it is clear that what is engaged in is conscious social re-creation and not reproduction. These initiatives are undertaken in the name of progress, and are definitely problematic. Reproduction would maintain the normative framework that enabled the raising and discussion of issues, while the push to re-creation is to render such discussion prohibited. And that is the key difference. The import of the term “reproduction” is to capture a distinction between duplicating and reproducing. A reproduction always has some variation or mutation from the original, while duplicating is an identical copy of the original. When applied to society, we in effect reproduce our society from day to day, action to action, but don’t often duplicate it identically. There is a natural evolution of the spontaneous order in reproduction contrasted to the radical intervention in recreation.

---

<sup>4</sup> Julius Paulus, a Roman jurist of the third century AD articulated it as: What is right is not derived from the rule but the rule arises from our knowledge of what is right. This succinctly captures the traditional understanding of law.

<sup>5</sup> I am using this term in the sense that the vast majority of our society would deem murder as wrong, but many of the laws produced by government do not have the same consensus of the governed.

It is within this process of conscious social reproduction that policy and ethics is fundamentally a question of practice and not an abstract question. It does, however, require a practical theory in order to organize propositions used to guide policy practice. Scheffler (1985:5–6) identifies practical theory, distinct from scientific theory, as:

1. responsive to problems encountered in practice—problems are described as characteristics of a situation presented in everyday language;
2. drawing relevant knowledge from multiple discipline domains; and,
3. governed by distinctive purposes and statements of values with associated principles of action organized to guide practical judgement.

For Scheffler, the central task of a practical theory is to draw together the understandings from relevant disciplines and apply them, under the guidance of an ethical ideal, to the problems of ordinary experience (1985:6).

The first section provides an overview of the perspective of policy used and presents a comprehensive approach to the development and implementation of policy. It concludes with an approach to monitoring the implementation of policy, which I describe as performance management. To be clear, I think the term “performance management” has become applied to individuals rather than to the process of policy implementation, and I want to bring it back to the macro application.

The second section addresses the policy model in more depth and, using a critical theory approach based on Habermas, provides the philosophical foundation for the approach to policy outlined in the first section. The final section addresses the bureaucratic policy context and concludes with a detailed discussion of the ethical expectations for a public servant.

The book is a practical theory approach to policy and planning. It addresses the distinctive features of practical theory—problems, knowledge and principles. It also provides a comprehensive outline of each stage of the policy and planning process and guidelines as to what needs to be done.

## WHAT IS POLICY?

If you have ever been asked the question “What is a policy?” you will be familiar with trying to explain, describe, or define a concept that is elusive and context dependent. The best answer I have come up with to date is “it depends,” then to go on to explain that the particular definition of policy used is primarily determined by the individual’s role in the policy process.

There are common features to definitions of policy—all of the following are legitimate descriptions of policy:

- an assertion of intents or goals
- a governing body’s standing decisions by which it regulates, controls, promotes, services, and otherwise influences matters within its sphere of authority
- a guide to discretionary action
- sanctioned behaviour, formally through authoritative decisions, or informally through expectations and acceptance, established over (or sanctified by) time
- a norm of conduct, characterized by consistency and regularity, in some substantive action area
- a strategy undertaken to solve or ameliorate some problem
- the output of the policy making system: the cumulative effect of all the actions, decisions, and behaviours of the people who work in bureaucracies. It occurs, takes place, and is made at every point in the policy cycle, from agenda setting to policy impact and as such is an analytic perspective
- the impact of the policy making and policy implementing system(s) as it is experienced by the recipient(s)

For example, recipients of an educational policy—students and their parents—see policy in terms of specific consequences for them while the formulators of policy, at the legislative and bureaucratic level, see policy in terms of intent. Between these two poles are program implementers who view policy in terms of strategies, guidelines, or implementation action norms.

This means that public discussions about policy will be confounded by people speaking in outcome terms to people listening for intent or strategies.<sup>6</sup> Indeed, discussions of policy intent may be viewed by those in the recipient and implementation roles as mere rhetoric lacking concrete substance. The end result of this lack of communication is the conclusion by both the recipients and formulators of policy that public participation in the policy process is dysfunctional. This also helps to explain why public consultation around policy devolves, either

---

<sup>6</sup> During the formulation of a vision statement for education in one province I worked in, the vision was articulated as the best education for all. A letter was sent to the Minister by a mother who had to drive her special needs daughter to a pick-up point for the bus, but her car engine no longer worked. Her point was that to fulfill the vision statement the department should put a rebuilt engine in her car in order for her daughter to achieve the stated vision. From her perspective her request was entirely reasonable, but the department did not see it that way. I do not recall if there was an adjustment to the bus route to accommodate the situation, and failing that, you can see how the mother would see the vision statement as mere rhetoric lacking concrete substance.



by accident or design, into a discussion of “how to” implement policy rather than the broader social intent or purpose of the policy.

Of equal import is that the particular definition of policy used has a descriptive and prescriptive component. It is descriptive in that it describes what the individual sees as a policy statement. It is prescriptive in that the particular definition of policy assumed by the policy analyst determines:

1. the kinds of policy questions asked;
2. the kinds of policy-relevant data collected;
3. the sources of data tapped and the methodology that is used; and finally,
4. the policy products that emerge.<sup>7</sup>

It is this prescriptive dimension as to what can and will be considered that is problematic. All of the descriptions used by people throughout the process are valid components, but the prescriptive dimension limits what can and will be done analytically as outlined above.

The various perspectives of policy can be summarized as:

POLICY QUESTION	POLICY DECISION	POLICY SEEN AS
1. What are the overall intents or goals?	<ul style="list-style-type: none"> <li>• listing of goals to be achieved</li> <li>• priority of goals</li> </ul>	<ul style="list-style-type: none"> <li>• an assertion of intents or goals</li> </ul>
2. What is the existing policy context?	<ul style="list-style-type: none"> <li>• relevant legislation and regulations</li> <li>• participants and roles</li> <li>• functional responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• a governing body’s standing decisions by which it regulates, controls, promotes, services, and otherwise influences matters within its sphere of authority</li> </ul>
3. What is the scope of discretionary action?	<ul style="list-style-type: none"> <li>• participant action roles</li> <li>• range of acceptable functional roles</li> <li>• expectations and limits</li> </ul>	<ul style="list-style-type: none"> <li>• a guide to discretionary action</li> </ul>
4. What implementation strategy will be used?	<ul style="list-style-type: none"> <li>• selection of specific policy target</li> <li>• anticipated implementation problems</li> <li>• tactics for dealing with implementation problems</li> </ul>	<ul style="list-style-type: none"> <li>• a strategy undertaken to solve or ameliorate some problem</li> </ul>
5. What role and outcome expectations should be established	<ul style="list-style-type: none"> <li>• role definitions and expectations</li> </ul>	<ul style="list-style-type: none"> <li>• sanctioned behaviour, formally through authoritative decisions, or</li> </ul>

<sup>7</sup> Guba (1984:63) makes the observation here described as the prescriptive perspective.

for implementers?	<ul style="list-style-type: none"> <li>outcome criteria for specific policy target</li> </ul>	informally through expectations and acceptance, established over (sanctified by) time
6. What forms of conduct are acceptable in implementers?	<ul style="list-style-type: none"> <li>specification of behaviour satisfying role definitions and expectations</li> <li>corresponding norms</li> </ul>	<ul style="list-style-type: none"> <li>a norm of conduct, characterized by consistency and regularity, in some substantive action area</li> </ul>
7. What are the collective effects of the behaviours of the implementers?	<ul style="list-style-type: none"> <li>description of collective effects</li> <li>selection of monitoring/reporting systems</li> <li>emphasis on process versus outcome reporting</li> </ul>	<ul style="list-style-type: none"> <li>the output of the policy making system: the cumulative effect of all the actions, decisions, and behaviours of the people who work in bureaucracies. It occurs, and is made at every point in the policy cycle, from agenda setting to policy impact, and as such is an analytic perspective</li> </ul>
8. How would the recipients of the policy describe the outcomes?	<ul style="list-style-type: none"> <li>use of recipient constructions or process constructions as policy outcome</li> </ul>	<ul style="list-style-type: none"> <li>the impact of the policy making and policy implementing system(s) as it is experienced by the recipient</li> </ul>

Based on E.G. Guba, The Effect of Definitions of Policy on the Nature and Outcomes of Policy Analysis, Educational Leadership, Vol. 44, #2, October 1984.

Simply stated:

- Formulators of policy at the ministerial and senior management level see it in terms of intent;<sup>8</sup>
- Program developers in the ministry see policy in terms of strategies, guidelines, or implementation action norms;
- Program implementers in the field see policy in terms of specific actions;
- Recipients see policy in terms of consequences.

Lack of understanding of all perspectives by the policy analyst leads to miscommunication, misunderstanding, mistrust, and gaps between policy development and policy outcomes. The four perspectives (formulators—intent, developers—context for action, implementers—specific

---

<sup>8</sup> This is overly simplified in that often policy initiatives bubble up from lower levels in the organization, but in order to be adopted for implementation require the support of these upper levels in the bureaucracy.

actions, and recipients—consequences) are all components of policy but their perspectives—whether they are aware or not—technically:

1. address related but different needs and interests;
2. depend upon different forms of knowledge about and scientific approaches to practice; and,
3. require a distinctive ethical criterion to guide decision-making within each component.

It is unlikely that any particular person in the process understands this, but the professional policy analyst should, at a minimum, grasp the different perspectives involved, and the thrust of this book is to make this apparent. A note of caution, which will be expanded upon in detail later, while there is a particular methodology appropriate to each component or perspective, the point is that it should be the criterion methodology and is not exclusive to the other methodologies in the other components. At any point in the process all analytical methodologies may well be used, but one particular one should be the dominant approach within each component.

The policy model used outlines the essential elements of any policy in a manner not biased toward any particular definition of policy. As Guba has observed:

[T]he particular definition assumed by the policy analyst determines the kinds of policy questions that are asked, the kinds of policy-relevant data that are collected, the sources of data that are tapped, the methodology that is used, and, finally, the policy products that emerge (1984:63).

### *Overview of Intent, Action, and Consequence Components*

This overview is a summary of the main concepts presented in more detailed in the Policy Components section and, as such, simply provides an outline of the overall conceptual framework developed later.

The socially determined purposes and the authority of government provides the broad context of intent, and policies are the articulation of the purposes and authority in concrete terms. Policies themselves are structured with intention, action, and consequence components, and the policy development and implementation questions to be answered relate to these components. Further, each component not only leads to particular types of questions, but also to particular forms of knowledge, methodologies, and ethical criteria for answering the questions posed. In summary form, these relationships can be expressed as:

	INTENTION	ACTION	STRATEGIC	EVALUATION
QUESTION	WHY	WHAT	HOW	WHAT HAPPENED
KNOWLEDGE	Expressive self-representation of societal members	Legal and moral obligations and expectations	Technically and strategically useful empirical-theoretical	Representation of objective states of affairs
METHODOLOGY	Critical sciences	Hermeneutic or interpretive sciences	Empirical-analytic sciences	Empirical-analytic sciences
POLICY CRITERION	Emancipatory	Legitimacy	Efficiency	Effectiveness
ETHICAL CRITERION	Communicative	Deontological	Rule Utilitarian	Act Utilitarian

There is a hierarchy to be followed. Questions about intention should be resolved before dealing with questions about actions. In turn, questions about legal and moral limits on action should be resolved before selecting strategic actions for implementation. And, obviously, strategic action questions must be answered and implemented before evaluation can occur.

While the intentional purposes are socially determined, each policy is an articulation of an aspect of this overall intent in action. No single policy can fully represent the comprehensive social intentions any more than any single individual can represent the totality of his/her culture. Each policy has intention, action, and consequence components, and it is the congruency among these components and their fidelity to the social purposes and norms that is critical.

### *Conversation and Discussion*

Before dealing with the components of policy as outlined above, I need to bring in Habermas's communicative ethic approach which undergirds what is to be considered rational at each stage of the policy process. Habermas's communicative action<sup>9</sup> approach provides a method with which to interactively test what we know to ensure that it is so. Since we use language as the means through which we talk to others, as well as ourselves in internal dialogue, we need to

---

<sup>9</sup> The concept of communicative action presupposes the use of language as a medium for reaching understanding, in the course of which participants, through relating to a world, reciprocally raise validity claims that can be accepted or contested. For a fuller treatment of Habermas, please refer to: Ewert, Gerry D. Ewert, "Habermas and Education: A Comprehensive Overview of the Influence of Habermas in Educational Literature," *Review of Educational Research* 61, No. 3 (1991).

take an analytical look at language in use as a communicative action. In other words, we need to examine language used as a medium to communicate and reach mutual understanding. This is a crucial point. The object is to achieve mutual understanding. If it is not, then whatever communication is occurring is either propaganda or some form of coercion.

In a normal conversation, we implicitly accept four assumptions without even thinking about them. We assume:

1. we understand what the person is saying;
2. what the person says is true;
3. the person has a legitimate basis for saying what they are saying—in other words, they have a right to say what they are saying.; and,
4. the person is sincere in what they are saying.

These four assumptions are in fact claims for the validity of what is being said. At any time, one or more of these assumptions can be questioned, and at that point communication changes from a conversation to a discussion. It is only through discussion that these validity claims can be examined and tested. The purpose of discussion is to achieve, through argument alone, a rational reassessment of the validity claims usually uncritically accepted in conversation. Argument is not conflict and it is not necessarily adversarial, and it certainly is not quarrelling. Argument is the presentation of supporting evidence with the intent of reaching a true rational mutual understanding.<sup>10</sup>

There can be a problem when in the midst of what one thinks is a conversation, another participant in the conversation turns it into a discussion by questioning one of these implicit validity claims. I think we have all experienced this, and it is most disconcerting to be merrily going along only to be confronted by one or more of these implicit validity claims. However, being aware of the nature of the challenge enables one to deal with it without resorting to rancour or taking umbrage.

### *Understanding*

We tend to assume that we *understand* what the other person is saying just by the fact that we speak the same language. But understanding also encompasses comprehension. For example, I remember the first time I opened one of Habermas's books and tried reading it. It was in English, I could read the words, but I had no idea what he was saying. I had no comprehension of the ideas he was communicating, although I could understand the words.<sup>11</sup> In the discussion

---

<sup>10</sup> This is key. Discussion requires that all parties to it are committed to reaching a rational mutual understanding. When you are faced with an ideologue, you cannot assume that this condition is met. In fact, in such instances I strongly advise against argumentation—unless you find it entertaining. An ideologue cannot accept any perspective other than their own in the area of ideological commitment, and the best you can do is to ask clarifying questions and not present counterevidence. However, it is possible that they may be capable of rational discussion in other topic areas. If not, you are wasting your time and energy.

<sup>11</sup> I remember this vividly. I was in the Gutman library in Harvard and I closed the book feeling, for the first time in my life, dumb and nowhere near as intelligent as I thought I was. I decided I could either be dumb or put in the effort to master the material. I choose the latter, although my mastery of Habermas's thought is limited to what I

of any topic, terms, and concepts may be used that need clarification and refinement in order to make what is being said understandable to the partner in the discussion. It is important when discussing values to be very clear about what is meant by the terms used. Much misunderstanding can be prevented if each person in the discussion shares a common understanding of the terms being used. Unfortunately, often conversation partners think they share a common understanding of key terms, but while they are using the same word, it has quite different meanings to each of them.

For example, when a Canadian and an American use the term democracy, they may think they are using the same term, but in fact they are not. The American concept of democracy is that the individual is the source of inalienable rights, part of which is delegated up to the State and through the State up to the federal government.<sup>12</sup> The British-based Canadian concept is that rights are given by the Crown (government) down to the individual. They may focus on things like “one person one vote,” which is common to both nations, but the foundational concept of democracy in and of itself is quite different.

This can be made even worse by dealing across cultures and across languages when it is the assumed understanding of what the other is saying that is the problem. In normal day-to-day conversation, this may be less of an issue, but it is always wise to verify that each person is talking about the same thing—particularly when talking about values. Haidt<sup>13</sup> points out that liberal/progressives and conservatives have quite different understandings of the term “fairness,” so while they may agree that “fairness” is a good thing, they mean quite different things by that term.

### True

The assumption that what is being said is *true* is more easily recognized and validated; we routinely do this in conversation. One person may say it was 17 degrees yesterday and the other may counter that that was two days ago and that yesterday was much cooler. Through discussion, they will resolve the discrepancy, perhaps by looking at the temperature record for the previous days. This is minor, and errors of this type are not usually intentional. It becomes a problem when one partner in the discussion, in order to persuade the other, asserts as fact that which is either not true is, or which is not known to be true. Or, based on their knowledge, asserts as true something that the other person does not accept as being true. In order to resolve this, there has to be some agreement as to what constitutes valid evidence before the discussion can continue. The evidence can then be brought to bear on the discussion. We will address this in more detail later.

---

am presenting and in Gerry D. Ewert, “Habermas and Education: A Comprehensive Overview of the Influence of Habermas in Educational Literature,” *Review of Educational Research* 61, No. 3 (1991).

<sup>12</sup> Functionally, though, the US system operates in much the same top-down manner as most countries, where the federal government and Supreme Court “create” rights for individuals through very creative reading of the Constitution.

<sup>13</sup> In a nutshell: liberal/progressives view fairness in terms of outcomes; conservatives view it in terms of opportunity and proportionality. Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Vintage, 2012).

### Legitimacy

The assumption of the *legitimacy* of what is being stated has to do with claims of knowledge that are not directly accessible by the person making the statement. For example, if we are having a chat and I tell you about someone who must be an arrogant person because of the way they cut me off in traffic, you would be correct to question the validity of my statement. As a statement of how I felt, it may be valid, but when I make assumptions about the other person, I do not have knowledge of his thought processes upon which to make a judgment of his character.

We often make this error by attributing motive and/or stupidity to others when, in fact, we are making assumptions on the basis of what we think we see. We have absolutely no knowledge as to their internal state or intellect. Another dimension of legitimacy is the claim to knowledge and expertise that the speaker may not have. An actor in a television commercial dressed up and sounding like a doctor to persuade us to buy a particular pharmaceutical product is an obvious example. Unfortunately, it may often be difficult to discern whether our source of information is legitimate for two reasons: (1) we have no means of verifying the speaker's knowledge and expertise; and, (2) we may uncritically accept as information that which fits our worldview.

### Sincerity

Of the four claims made implicitly in normal conversation, the most difficult to validate is the claim to *sincerity*. The other three have some means of external verification, but sincerity can only be demonstrated over time through consistent behaviour. However, it is an essential component of using language as a means to reach mutual understanding. And, just to complicate this a bit more, a person can be totally sincere and totally incorrect in their statement. For example, there really are people who believe the earth is flat, and they hold this belief sincerely. Since it is their belief, they are sincere in articulating that belief, and since we understand their statement, it is comprehensible. However, it is not true, and we need guidelines to ensure a rational discussion.

### Rational Discussion

During a discussion, we call someone rational if they are able to put forward an intelligible assertion and, when criticized, to provide grounds for it by pointing to appropriate evidence. This is where our discussion with the "flat earth" person can begin to fall apart. The question as to what constitutes appropriate evidence to support their position becomes the nub issue. Pictures from space showing a circular earth may well be discounted by them as contrived and therefore not true. In effect, the scientific and legal norms of what constitutes legitimate evidence are violated, because no form of evidence that does not support the flat earth perspective is accepted by them. Finally, the only normative context within which their assertion can be legitimized is within the framework that each person is entitled to their own truth. This negates the purpose of the discussion—to reach rational mutual understanding.

It is not always clear to participants in a discussion what constitutes valid evidence, because the question posed will determine what evidence-producing methodology is appropriate. To use an early example from ancient Greek philosophy, a horse is standing on one side of a street and the philosophers on the other side of the street are energetically engaged in a debate as to how many teeth the horse has. The obvious course is to walk over and count them—apparently not philosophical enough for them. That quantitative approach would be a rational approach to the question. However, if the philosophers wanted to understand what the horse meant in Athenian society, they could have spent days asking people, as they passed by, about the horse and gather qualitative data with which to formulate a tentative conclusion.

The four validity claims (understandable, true, legitimate, and sincere) provide the overarching framework for testing truth claims. These validity claims emphasize the role of reason and the necessity of viewing communicative rationality as a universally binding condition. This means that, regardless of the context of the communication, if the purpose is to reach mutual understanding between or among people, communicative rationality is essential. Communicative rationality is achieved when all four of the validity claims made can be validated. The validity claims and conditions for discourse (freedom and justice) in communicative action form the basis for communicative ethics. The key link between communicative action and the normative basis for communicative ethics is the notion of a “performative contradiction.” A performative contradiction arises when:

the propositional content of a speech act contradicts the non-contingent and unavoidable presuppositions on which it itself rests. ... For example, a speaker says: “I question that I exist.” This means that the speaker regards it as possible that “I do not exist” (here and now). Yet in order to utter the latter statement, the speaker must necessarily presuppose that “I exist” (here and now) (Benhabib 1986, 293)

The critical aspect of the performative contradiction is that since all argumentation and discourse presupposes that a rational consensus is achievable, to argue that normative claims cannot be rationally decided is to deny the very normative basis upon which argumentation is itself based. Taken one step further, the postmodern moral skeptic who denies that valid normative claims can be established at all is in fact raising a validity claim (that it is true) and thereby is implicitly accepting the underlying premise of discussion to resolve the validity claim. Or when the postmodernist states that “all views have equal merit, and none should be considered better than another,” they are in fact making the normative claim that their claim is, in fact, better than the claim “all views do not have equal merit and some should be considered better than some others.” Their failure to accept this simply illustrates they have no interest in discussion geared to reaching a rational consensus. This is more than a subtle point. The very fact that the postmodernist uses language to express their views necessarily invokes communicative rationality and the four validity claims (understandable, true, legitimate, and sincere). Denying this necessity reveals that the postmodernist is not interested in reaching mutual understanding at all, but rather an authoritarian imposition of their particular worldview.



A performative contradiction also occurs when there is a gap between what an individual says and what that same individual does. The same logic of rational contradiction applies whether the performative contradiction is implicit, within a speech act, or explicit, between speech acts and actions. For example, if a policy-maker in a position of power states, “I believe in participatory democracy,” but formulates policies on the basis of “I think X is good,” then I believe they commit a performative contradiction. This emphasis is perhaps covered by the validity requirement that the speaker be sincere, but it is possible that a speaker could be sincere and still commit a performative contradiction. This is what happened when President Bush, an outspoken supporter of free market capitalism, intervened in the market to save, in his words, banks that “were too big to fail.” He violated free market principles in order to ostensibly save capitalism and the free market. I do not doubt his sincerity; I simply note the performative contradiction.

I apply the notion of performative contradiction to all communicative actions and not just to speech acts, which brings us back to the progressive’s efforts to solve poverty by artificially raising the minimum wage. When the results do not line up with their stated intentions, they are enmeshed in a performative contradiction—whether they realize it or not.

As stated earlier, it is only through discussion that the four validity claims, taken for granted in normal conversation, can be examined and tested. The purpose of the discussion discourse is to achieve, through argument alone, a rational reassessment of the validity claims usually uncritically accepted in conversation. Policy is a specific form of conscious social reproduction and should involve a conversation about values, ends, and means. Language is the medium of conversations about what should, might, and can be done. In this conscious social reproduction conversation, the presence or absence of norms taken for granted in normal conversation can be questioned. When questioned, the communicative interaction shifts from a conversation to a discussion.

#### Ethical Communicative Action

We also need to distinguish between a rational and a false consensus. The conditions for reaching a rational consensus necessarily require:

- *freedom* to reach an agreement on the basis of the better argument alone; and,
- *justice* based on mutual respect among participants.

The use, or presence of, power relations among participants mitigates against the achievement of a rational consensus.<sup>14</sup> The withholding of relevant information or misrepresentation of information also works against the formation of a rational consensus that is based on the force of the better argument alone. For example, if a research study into domestic violence and spousal assault obtained consistent data on the propensity for both males and females to initiate and engage in spousal assaults, but chose only to publish the data reporting female

---

<sup>14</sup> I am writing this at a time when the sexual assault of women in Hollywood is being exposed and it is an example of how the power of a producer or director or agent, who has control over an actress’s career opportunities, can take advantage of the actress. With that imbalance of power, even consent is, in my mind, rationally suspect.

violence, withholding the data on male violence, that would be a clear case of attempting to redefine the issue of spousal assault and domestic violence into an issue of violence against males. I would argue that any consensus thus formed would, by definition, not be rational. Further, once this non-rational consensus was formed, it would become the basis for rejecting accurate research on the propensity for males to engage in spousal assault in order to preserve the initial consensus that it was an issue of violence against males. This further exacerbates the non-rational nature of the consensus.<sup>15</sup>

Benhabib<sup>16</sup> summarizes the rules for argumentation as:

1. Every agent capable of speech and action can participate in discourse. This determines the potential participants in argumentation as the inclusion of all humans capable of speech and action, without exception
2. Everyone may problematize any assertion, may introduce every assertion into a discourse, and may express their attitudes, wishes, and needs. This guarantees the symmetrical distribution among all participants of chances to utilize speech acts.
3. No one may be prevented from enjoying their above-outlined rights in virtue of constraints that may dominate within or without discourse. This restates the reciprocity condition among participants that their rights as specified under (2) are fully respected.

In summary, ethical communicative action requires:

1. the willingness and capability to engage in argumentation over controversial normative claims;
2. the acceptance that any validity claim (truth, rightness, truthfulness, and understanding) can be resolved through discourse;
3. following the symmetrical and reciprocity conditions for discourse; and
4. following the rules for argumentation.

In the universal presuppositions involved in communicative action is the prescription that participants in a discourse are capable of rational argumentation. We also operate on emotion—not merely logic. But the mere fact that we experience a feeling does not justify or validate that feeling. We arrive at each conversation or discussion point at the apex of our life experiences—not all of them remembered accurately (in fact most are not) nor with the validity of our presuppositions, with which we perceive and approach the world, all rationally tested. As a result, our emotional response tends to be justified on the basis that it exists and is not questioned. That is not rational. Feelings and emotions make us human, but they cannot claim

---

<sup>15</sup> The reverse of this example actually occurred in the early 80s and has created 35+ years of focus on violence against women while the issue of domestic violence, as a whole, largely fell off the public policy horizon. In the original study, the propensity for spousal assault was essentially identical for both males and females; however, only the violence against female spouses' data got published—unfortunately I cannot locate the reference for this.

<sup>16</sup> Sylvia Benhabib, *Critique, Norm, and Utopia—A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), 305.

to be simply “true” because we have them; they must be tested and verified before relying on them in making conscious decisions.

What I have outlined is a procedural mini rulebook to reach rational agreement between and among people. However, you can read the official NHL rulebook, but it looks nothing like the game that is played. The game has passion and excitement and often rule infractions—that ideally get called by the referee. The game can only exist within the framework of mutually understood rules among the participants, but the rules are not the game. Similarly, the “rules” for reaching a rational agreement are not the discussion itself.

At a personal level, when interacting with another person, assumptions and preconceptions determine how the interaction is understood by the participants. If the presupposition is that the other is always critical, it will not matter what is actually said or meant because the interpretive framework will only permit one line of comprehension. The validity of this presupposition is not verified in each instance. If the other person states that they are not being critical and that is rejected as being insincere or simply erroneous, based on the presumed framework, then it is ideological and not factual. It is a self-confirming habit and, like all bad habits, is very difficult to break.

The key question is about what knowledge of and beliefs about other persons, society, and reality are used to justify the interpretation of the meaning of what is said during the interaction. The central issue here is whether these underlying assumptions are explicit, therefore public and testable, or implicit and therefore untested assumptions. There is no tabula rasa. Each of us enters into an interaction with others with preconceived notions as to their motives, intentions, veracity, and so forth all based on prior experiences. The problem arises when we assume these presuppositions, without discursively testing, and interact with others on the basis of what may be distorted understandings.

### *Policy Components*

#### Intent

During the formulation of policy, the starting position must be the specification of intent. The critical question at this point is “WHY.” This question directs attention to the social purposes for the policy and an assessment that in some crucial area this social purpose is not being addressed. This may arise because there is no policy or out of the realization, based on the evaluation of a prior policy, that the social purposes are not being realized. In either case, the development of a new policy or revision of a prior policy, the fundamental question of “Why this policy?” must be addressed.

This is so much simpler when there are no previous policies to deal with in the context. When there are, what this requires is a recognition that in some basic way the intent articulated for the previous policy is not being achieved in one or more particular instances. Sometimes the critical “WHY” simply is due to overpromising and underdelivering.

Whether the policy relates to the translation of social purposes into educational curriculum and instructional objectives or deals with a matter of internal bureaucratic procedure, the critical issue is whether the policy enhances or interferes with the achievement of the public interest in education. The only acceptable basis on which a policy can be justified is the congruence between the intent of the policy and the socially determined purposes. Ideally, policy intents would be subjected to the same justification by discourse required by communicative ethics for the formulation of the social purposes.

To repeat, communicative ethics requires:

1. the willingness and capability to engage in argumentation over controversial normative claims;
2. the acceptance that any validity claim (truth, rightness, truthfulness) can be resolved through discourse;
3. following the symmetrical and reciprocity conditions for discourse; and
4. following the rules for argumentation (as outlined above).

At a minimum, civil servants must be prepared to justify their particular formulations of policy intent through communicative ethics. This means that the civil servant's particular interpretation of the public interest, as reflected in the policy intent, can be questioned by any member of the public, including other civil servants, and can be justified only on the basis of validation through discourse.

Debates about the intention of policy should reveal the underlying norms, implicit assumptions, values and beliefs that led to the problem definition and policy response and test their validity. While it is not practical to subject all policies to extensive public debate, I believe that it is part of civil servants' responsibility to be prepared to publicly justify their translation of social purposes into specific policy intentions. This orientation to public accountability may serve to counteract the tendency to pursue constituent, bureaucratic, and personal interests by anyone in the policy development process that cannot be justified on the basis of the public interest.

## Action

While the intention component of policy outlines what should be done, the action component of policy deals with determining "What might be done?" Within the context of legal and moral obligations and expectations, this component of policy deals with the translation of the policy intent into the goals and objectives to be achieved, problem to be solved, and program to be implemented. The limits of legal and moral obligations include:

1. the rights and entitlements of all citizens;
2. the normative values existing in the policy context;
3. the democratic principles to be pursued; and,
4. the resource limitations placed on the bureaucracy.

The identification of what might be done in terms of goals and objectives more narrowly

defines the scope of the policy and must be justified on the grounds that the goals and objectives:

1. are congruent with the policy intention;
2. do not violate legal rules or moral obligations (deontological limits); and
3. are consistent with the democratic values to be promoted and the contextual social norms.

The specific questions to be answered loosely based on Guba (1984) can be summarized as:

1. What are the overall goals?
  - listing of goals to be achieved
  - priority of goals
  - specification of values supporting goals and priorities
  - identification of public, constituent, bureaucratic, and personal interests served by goals
  - identification of governmental and non-governmental authority and responsibility for goals
2. What is the existing policy context?
  - relevant legislation and regulations
  - participants and authoritative roles
  - functional responsibility
  - social norms and expectations
3. What is the scope of discretionary action?
  - participant action roles and accountability
  - range of acceptable strategic action roles
  - expectations and limits—social and organizational
  - ethical principles to be used as the basis for discretionary action

The claim for the goals as an accurate reflection of the policy intent can also be questioned by anyone, and it is incumbent on civil servants to be prepared to justify the goals selected on the basis of the public interest to be served and the relevant social norms and values.

The action component deals with normative questions that establish the boundaries for acceptable strategic action in the consequence component of policy. The "HOW" question deals with action strategies, rational plans of who does what by when and with/to whom based on assumed or accepted causal relationships between actions and outcomes. This component is the literal translation of policy intention into action, the most visible of all the policy components. Following Guba's general format the questions to be answered at this point are:

1. What implementation strategy will be used?
  - selection of specific policy target
  - anticipated implementation problems
  - tactics for dealing with implementation problems

2. What role and outcome expectations should be established for implementers of the policy?

- role definitions and expectations
- outcome criteria for specific policy target
- accountability system and performance monitoring

3. What forms of behaviour are acceptable in implementers?

- specification of behaviour satisfying role definitions and expectations
- corresponding norms of conduct for the regular and consistent application of the ethical principles and values established in the normative action component of policy consistent with social norms and values

The above questions direct attention to the selection of the specific policy target and strategic actions selected to achieve the policy intent in actual outcomes. The selection of the specific policy target is bounded by the normative framework previously developed and the specification of interests served. Just as no single policy can fully represent the social purposes for education, the selection of the policy target limits the focus of policy action to priority goals.

The central issue in the continual narrowing of the policy from intent through normative action boundaries and goals into specific strategic action is to ensure that the spirit of the intent is maintained. If the specific policy target and strategic actions selected cannot be justified on the basis of the policy intent, they are likely interest-based distortions of the intent of the policy.<sup>17</sup> The selection of strategic actions should be based on validated empirical-analytic knowledge of cause and effect relationships between actions and consequences.

## Consequence

The selection of policy target and strategic actions identifies the specific outcomes to be achieved and forms the basis for addressing the question of "What Happened?" This is the ultimate test of congruence between the intention of policy and the actual effects. There are two dimensions to this question (Guba, 1984). One addresses the output of the policy-making system and the cumulative effect of all the actions, decisions and behaviours of the civil servants involved. The other addresses the impact of policy implementation as experienced by the recipient. The relevant questions to be answered are:

1. What are the collective effects of the behaviours of implementers?

- description of collective effects
- analysis of monitoring/reporting accountability systems
- emphasis on process versus outcome reporting

---

<sup>17</sup> An interest distortion may be as simple as when the central authority delegates teacher salary negotiations to individual school boards who, in turn, appoint their employed superintendent as their negotiator. As the superintendent's salary is in relation to the teacher salary grid, there is an incentive for the superintendent to be generous with taxpayer dollars in salary negotiations. This actually happened, and salary costs went up enormously.

- congruence with values and ethical principles established for implementation

2. How do the recipients of the policy describe the outcomes?

- recipient description of the policy outcomes
- policy intent and values as perceived by recipients
- effectiveness of policy in meeting recipient needs

The answers to these questions provide the basis for evaluating the congruence between intentions and consequences as the basis for further policy formulation, revision, or deletion. The authoritative voice on the consequences of policy is the recipient's voice. The respect for human dignity, fundamental to the societal formulation of the social purposes, applies equally to respecting the legitimacy of the report of each individual, affected by a policy, on the specific effects at his or her personal level of experience. This completes the cycle. Social purposes form the legitimate basis for governmental policy and are ultimately validated by the effect of the policy on individual members of society and on society as a whole.

### Role of the Public Servant

As a minimum, a private citizen in a democratic society has the right to expect appointed public officials to: a) be responsible citizens; and, b) serve the public interest. The first is common to all citizens. The second is particular to any person accepting responsibility to make or implement government decisions affecting other citizens. The specific role of the public official is subject to these primary responsibilities whether he or she is a deputy minister of a ministry, a middle manager, or an entry level file clerk.

The basic problem in a democracy is who actually holds appointed public officials accountable? Elected officials come and go, but the appointed public officials endure and in all practical terms are accountable only to each other in a structured hierarchical manner.<sup>18</sup> This means that survival in the public service depends upon pleasing one's immediate superior—or at least the most upwardly mobile, tactical, and powerful in one's immediate chain of command. If all superiors were also morally and ethically superior, there would be no problem. However, public officials are not hired and appointed on the basis of the virtue of their character—this quality is not considered relevant.<sup>19</sup> This means that any link between the public interest and what appointed public officials do is remote, simply because there is no means for holding public officials accountable to serving the public interest.

I recognize that the concept “public interest” can be problematic and not easily dealt with in a

---

<sup>18</sup> In parliamentary systems deputy ministers serve “at pleasure,” which means that they can be replaced by the government leader at will. However, below that level technically the government leader cannot touch—officially, that is.

<sup>19</sup> Public service commissions all promote merit-based hiring, which in reality means that technocratic criteria are exclusively used and the character and social maturity of the applicant is deemed irrelevant.

brief discussion, but as a minimum, a private citizen has the right to expect public officials to demonstrate:

1. public orientation—the exercise of discretion should serve the public interest over constituent, bureaucratic, and personal interests and to be fair by treating like cases alike and unlike cases equitably.
2. reflective choice—critically examine and be clear about the values to be promoted or protected, be reasonably sure that the information used is adequate and reliable, and determine that assertions linking facts to values are soundly based.
3. veracity—obligation to be truthful in presenting information to bureaucratic and political superiors and to the public, and be consistent by doing what they say they will do.
4. procedural respect—willingness to show consideration for the established ways of handling the government's business, but not blind obedience, and to justify exceptions on grounds and in language that any group of private citizens, with no vested interest, would understand and concur.
5. restraint on means—hold back from using means that violate the law or the civil liberties of individuals, entail unfairness in the application of laws or administrative regulations, produce unjustifiable physical, mental, or social harm, or undermine citizen trust in government.

This summary of role of the public servant is addressed in detail in the *Specific Role and Guidelines for the Civil Servant* section.



## Enough Theory on Policy (for now)—How To

Over time, I have developed materials that I have found useful in working through the policy process from a national down to a state level and through to the school or health unit level. I had been doing what I call Conceptual Mind Mapping for years, and then learned it was a new rage. I had come up with it simply to get people to do clear thinking and to flush out incorrect assumptions.

### *Conceptual Mind Mapping*

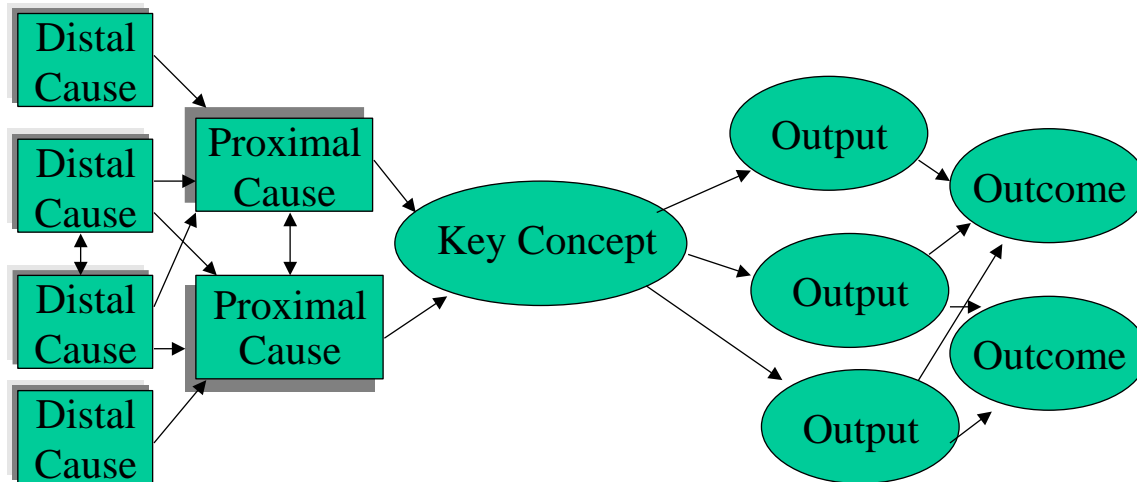
Conceptual mind mapping identifies assumptions about causal relationships that participants bring to the policy issue. Since these assumptions are usually implicit, and therefore unquestioned, they need to be made explicit and subject to validity testing. The method provides a framework within that to test assumptions as well as a framework to interactively refine causal factors and outcomes. People often start a discussion of an assumed problem with solutions—such as solve poverty by raising the minimum wage—and it is necessary to interactively work through the presuppositions that leap immediately to a preferred, usually simple, solution. At the strategic level, it provides a method to identify most potent policy levers. Key to this is the guiding of the discussion using the communicative ethic as a norm. This process is designed to make bare distorted understandings and erroneous assumptions. It can also be used at every stage of the policy process.

To identify assumptions about causal relationships, we start with a key issue concept (e.g. poverty), and factors thought to contribute to the cause of the issue are identified visually. In addition, linkages with outputs and outcomes presumed to be the result of the issue are also identified. In both instances, attempts are made to identify or outline the complete causal line as well as the interrelated factors.

Each factor must be a necessary cause or necessary consequence, although by itself it may not be a sufficient cause. The focus is to identify the factors that, in aggregate, are both necessary and sufficient to cause the outputs and outcomes of the key issue concept. The point of the exercise at this point is to develop as complete a representation of the casual and output and outcome linkages.

This requires a facilitator with strong lateral thinking, logical, and analytic skills. The facilitator must limit factors to those that are both necessary and (taken together) sufficient in order to avoid the “everything is interconnected so everything is a cause” *reductio ad absurdum*. It is best done graphically with whiteboard or flip chart in a group situation where people can interact and share perspectives. At the consequence producing action stage, it is best done with people with a variety of perspectives and expertise. The basic format for the visual is:

# Basic Outline for Map



The facilitator needs to probe to elicit presuppositions underlying assumed causal chains and interrelationships. I must caution that this needs to be done carefully. None of us like to feel we are being “put on the spot,” and this is a form of guided self-reflection. It is intended to make explicit the distorted understandings and shared meanings that participants in the situation have regarding the policy issue. It can be very difficult for people who take reality as fixed and immutable rather than socially constructed. The facilitator cannot, indeed must not, act as a critic of presumed linkages, but at the same time needs to elaborate the assumed linkages between and among factors.

The process is not “one shot”; it requires iterative rounds as data linkages are added in to test the conceptual causal model in the process of refining it on the basis of establishing the validity of each of the assumed relationships. Once a preliminary causal map is completed, data can be located and used to test each of the specific linkages (correlational data,<sup>20</sup> while not necessarily causal, can be used to describe numerical relationships between and among factors). If data is not available locally, research findings from similar jurisdictions and countries can be used as the basis for assigning numerical relationships between and among factors. In the absence of either local data or research evidence, some estimation of assumed numerical relationship will need to be made, but each number needs to be sourced to ensure that as data

---

<sup>20</sup> One always has to bear in mind that there are only four possible conclusions permitted when using correlational data between two variables, “A” and “B”: (1) A is or is part of the cause of B; (2) B is or is part of the cause of A; (3) another unknown variable C is the cause of both A and B; (4) relationship between A and B is spurious. Before any one particular conclusion can be accepted, the other three must be logically disproven. In policy work, we typically do not rely on statistical significance for the simple reason that a 70% probability, while it may not be statistically significant, is better than an uninformed guess as to what to do.

becomes available it can replace estimates. In effect, what is being developed is a way to develop probabilistic statements about alternative courses of action and anticipated consequences.

As the model provides a framework to iteratively refine causal factors and outcomes, adjustments to the causal map will need to be made as evidence is gathered confirming some and disconfirming other assumed relationships. In reviewing the results of testing assumed numerical relationships, this should be done with the original group to refine and elaborate emerging understandings. The end result should be an elaborated causal model that is used as the basis for communicating conceptual understanding as well as for developing strategic interventions. The purpose of the process is to reveal and correct incorrect assumptions and presuppositions in a synergistic interaction with the goal of reaching a valid understanding of the policy issue.

As the model moves through the process, it provides a method to identify the most potent policy levers. By following the established causal chains, it is possible to identify which factors have the greatest impact (in an analytic “rough justice” form the numerical relationships can be used as weights and calculated through). Factors that have underlying relationships with proximal causes may, in aggregate, produce the most potent policy lever to achieve desired outcomes. In the process of mapping the key concept it may well disappear in terms of a useful concept, and linkages between causes and outcomes may emerge that have more direct utility.

This process is not purely an art nor purely a science. Each situation requires a different balance, but the primary purpose is to make explicit what is implicit and make it subject to verification and testing. Logic is important, remember think first—data crunch second. It is also necessary to be discriminating in use of numerical relationships—give more weight to those with reliable, sound data and less to those where the data quality is suspect. In the overall schemata of the policy/planning process presented later, the results of this process also form the basis for developing performance standards, targets, and indicators.

### *POLICY AND PLANNING PROCESS—TRANSFORMING POLICY INTO OUTCOMES*

The transformation of the conceptual framework into a policy/planning framework uses the following outline:

1. Formulation/development of policy
2. Formulation/development of policy implementation strategic plans
3. Developing the specific program plan
4. Implementing and monitoring the plan
5. Evaluating plan implementation

Most “how to” approaches to policy have these basic steps in the process along with graphics showing a cyclical process. What is intended here is to draw the theoretical conceptual framework into contact with practice.

Some presentations on policy development have the legislature ponderously debating and ultimately pronouncing policies. This is rarely the case. Policy arises from all levels and a variety of sources. Sometimes it is the formalization of years of practice. At others, it is to resolve an operation problem to set guidelines for future action. However, it is only when it becomes codified in some fashion by government, becomes issued as a directive or procedure, does it become policy and larger than the initiator.

Those of us with a long history in policy in government know full well that at times we initiated the creation of government policy. Whether that was through the analysis of the impact of previous policies and identification of refinements required to meet policy goals or presenting a new idea for a program to address some aspect of the public interest—we started the ball rolling. Other times, policies are initiated through the direction of the deputy minister or other senior officials.

My point is simply that a nice, linear model does not describe how policy is actually done. And we pretty well all know that. There usually are clear procedures for obtaining cabinet approval on major policies that requires a linear process and mandate certain formats, particular emphases, and so forth. I do not address those in any form here as my focus is on which elements need to be addressed by the policy process, regardless of what form it takes. However, I would suggest that the framework does provide the basis for developing a much more thorough review process for the presentation of proposed policies to Cabinet.

Clearly, I am thinking here of the larger social policy context and not what passes for policies within ministries that are actually procedural guidelines. Those are part of an overall policy context and are not, in and of themselves, "policies," regardless of how often they are referred to as such. One deputy minister I had described policy as *a philosophically based guide to discretionary action* that is consistent with my overall conceptualization. Just as in education where teachers tend to confuse the textbook used with the curriculum, people often confuse policy with the procedures used for implementation. In the process, the underlying purpose, the intent of policy, gets lost, thereby activities replace vision.

Policy work is most often an iterative process of draft submissions and refinements. Couple that with the multiple places that a policy initiative can come from and you end up with a very complicated input, process, and output diagram. Simply stated, the inputs to an upper, lower, or horizontal level are the outputs of a unit. They get processed and become outputs that are the inputs to other levels and so on it goes, up, down, and sideways. What the policy/planning framework attempts to provide is clarification of what the appropriate role of the various levels should be, what they should focus on, and hopefully make the process more efficient.

#### POLICY/PLANNING FRAMEWORK

What follows is an outline of the items to be addressed in each phase of the policy process from formulation through to evaluation. The statements that are not questions can easily be turned into questions to be answered in each phase. As noted earlier, I am under no illusion that all policies will follow this overall linear process. What is useful is for the policy analyst to have an overall conceptual framework to identify where they are at in terms of the comprehensive policy/planning framework.

In other words, if you have a map, you have a better idea of where you are at and the particular issues that need to be resolved at that point. It also serves to identify that what is not explicit is presupposed, and is therefore implicit and unexamined. As Will Rogers is attributed as saying, "It ain't what we know that is the problem, it's what we know that ain't so that is."

Presuppositions, in the form of uncritically examined assumptions that are implicitly accepted, fall into this latter group.

Be wary of data or propositions that appeal to your own biases. Actively look for disconfirming evidence. It is far too common to see policy analysts and others seize upon research of dubious validity and reject solid evidence to the contrary by virtue of the former supporting some perspective they have. I have had the experience of having the head of a national statistical agency tell me, even before the research was done, that men are vastly more violent than women in spousal relationships and that the study they were doing would prove that. That was in response to a criticism I had made of a previous one-sided study done by the same national statistical agency along with documentation from other studies that raised questions about this presupposition. The crux of my point was that this issue can only be resolved if both men and women are asked identical questions, which he assured me they would be. That was some time ago. To my knowledge, the study he was so sure of still has not been published.<sup>21</sup> Intellectual honesty requires that you consider all of the evidence objectively on the basis of the validity of the evidence itself, and not how it confirms your worldview. It will come as no surprise that I also view the suppression of disconfirming evidence ethically problematic—particularly when it is paid for out of the public purse.

With those introductory comments, I present the overall policy/planning framework.

Since this is not an attempt to train people in empirical or hermeneutic techniques, I will provide no elaboration of each phase at this point as it is dealt with in detail in the sections that follow that address the intent, action and consequence components of policy.

## **I. FORMULATION/DEVELOPMENT OF POLICY**

### **STATEMENT OF POLICY INTENT**

1. Formulation of statement of which social purpose is to be served
  - a. social purpose defined within existing meta policy framework
  - b. articulation of the public interest to be served
  - c. why this policy?

### **STATEMENT OF POLICY ACTION**

1. Clarification of policy intent
  - a. specification of the problem(s) to be addressed
  - b. clarification of key concepts and terms

---

<sup>21</sup> The Quebec Statistics Bureau had been doing research and confirmed that male and female rates of spousal assault were virtually equivalent.

c. specification of the presumed cause and effect relationships underlying the problem definition and/or solution

d. analysis of relevant data testing problem definition and assumed cause and effect relationships

2. Selection of specific policy target(s) and priorities

a. identification of intended policy outcomes

b. identification of priorities

c. specification of values supporting policy targets and priorities

d. identification of public, constituent, bureaucratic, and personal interests served by policy targets and priorities—who benefits and who pays

e. identification of governmental and nongovernmental authority and responsibility for policy targets and priorities

**II. FORMULATION/DEVELOPMENT OF POLICY IMPLEMENTATION STRATEGIC PLANS**

**DEVELOPING THE CONTEXT FOR THE PLAN**

1. Clarification of specific policy target(s) and priorities

a. identifying specific measurable goals to be achieved for each policy outcome

b. specifying the priority of goals

c. specifying how progress will be measured and providing operational definitions of key elements to be monitored

2. Identification of the existing policy and environmental context confining action

a. relevant legislation and regulations

b. participants and authoritative roles

c. functional responsibility

d. social norms and expectations

e. identifying controllable, semi-controllable, and uncontrollable internal and external factors

f. analyzing current trends and issues

g. budget

3. Determining the scope of discretionary action

a. participant action roles and accountability

b. range of acceptable strategic action roles

- c. expectations and limits—fiscal, social, and organizational
- d. ethical principles to be used as the basis for discretionary action

### **III. DEVELOPING THE SPECIFIC PROGRAM PLAN (it is assumed this will be done in co-operation/consultation with program area experts and implementers)**

1. Selection of implementation strategy/strategies
  - a. analysis of range of options in terms of efficiency and effectiveness for each policy target/goal priority
    - use causal model to develop scenario alternatives to assess efficiency (resource utilization) effectiveness (goal attainment) balance
  - b. analysis of specific impacts of current trends and issues to identify anticipated implementation problems
  - c. development of tactics for dealing with implementation problems
  - d. development of performance standards, benchmarks, performance targets, and performance indicators, and design accountability system and performance monitoring (these terms will be elaborated shortly)
2. Establish role and outcome expectations for implementers
  - a. define participant roles, including specifying behaviour satisfying role definitions and expectations
  - b. specify who will do what with whom, and with what resources
  - c. specify responsibilities and performance expectations and accountability
  - d. hand over the plan to the implementers

### **IV. IMPLEMENTING AND MONITORING THE PLAN**

1. Role of planning/policy agency
  - a. monitoring implementation of accountability system and performance reporting
  - b. reporting progress and/or identifying emerging issues affecting implementation
  - c. reviewing trends and issues and adapting the plan implementation as necessary to meet goals

### **V. EVALUATING PLAN IMPLEMENTATION**

1. What are the collective effects of the behaviours of implementers?

- a. description of collective effects
- b. analysis of monitoring/reporting accountability systems
- c. emphasis on process versus outcome reporting
- d. congruence with values and ethical principles established for implementation

2. How do the recipients of the policy describe the outcomes?

- a. recipient-based description of policy outcomes
- b. policy intent and values as experienced by recipients
- c. effectiveness of policy in meeting targeted recipient needs

The previous discussion outlined which methodology and which validity and ethical criteria apply in each phase, and this will be further elaborated in later sections. What requires further elaboration at this point are the performance-related terms and concepts along with an overall perspective.

My most recent work was at the national level, so I tend to phrase things in terms of the nation state. Subunits of the nation with constitutional jurisdiction over particular sectors, such as education in Canada, can be legitimately substituted for the nation. What is important is that the entity with jurisdiction has a policy leadership role.

*Monitoring Policy Implementation*

Policy, either implicitly or explicitly, involves the allocation of resources. For example, if the policy is a school's announcement of a zero tolerance for violence without the allocation of resources to implement the policy, it is ipso facto not a policy but a slogan. The policy/planning framework explicitly recognizes that policy implementation requires resources, and this involves the allocation of the public's money.

The use of fiscal transfers by governments as policy levers is well established. As a general rule, block grants are generally seen as less policy directive than grants that have specific criteria, such as matching or performance-based sector grants. However, this is not necessarily the case. As will be discussed below, all fiscal transfers are policy directive. The only question is how clear and explicit the policy direction is.

This is not a treatise on fiscal transfers. It is rather a reflection on the use of standards and performance indicators in relation to policy-related block funding and categorical sector grants. Simply stated, if there are clear, explicit, and measurable standards and effective performance indicators that are consistently monitored, all funding is effectively policy directed. Block funding works very well under these conditions, as it permits adaptation to local conditions while maintaining a focus on the desired policy outcomes. Block funding focuses on achieving and overall goal, such as no violence in schools, but leaves how this is to be accomplished to the local level.

Conversely, where standards are either not clear, explicit, and measurable and/or performance indicators are either not effective or not consistently monitored, no funding is effectively policy



directed. In these situations, there is a tendency to move to more dependent funding approaches that focus on specific aspects of particular sectors. Implicit in these approaches is the recognition that particular aspects of the sector can be either measured or determined through proxy measures as the basis for allocating funding with the intention of achieving a particular policy outcome. Funding here is targeted to mandating specific actions by the central authority, for example, how to reduce violence in schools, whether they are appropriate or not in each situation.

It is also assumed, often without specific evidence, that the targeted aspects of the sector are the most critical at the present time. In the absence of a good system of standards, benchmarks, performance indicators, and monitoring, targeted grants are not only a “hit and miss” proposition, but also have limited scope to monitor outcomes since they typically do not include adequate resources for effective monitoring.

However, returning to the situation where a good system of standards, benchmarks, performance indicators, and monitoring is in place and used, targeted funding is an effective means of making adjustments in particular sectoral components. Adjustments can be made to mitigate uncontrollable factors, or to effectively address growing disparity between districts. However, it is the existing system of standards and performance indicators that permits precise targeting of particular components. This is a critical consideration. The investment in an effective system of standards, benchmarks, performance indicators, and monitoring more than repays the fiscal and time costs in effective policy implementation returns and cost savings.

In addition to a significant increase in policy effectiveness and implementation efficiency, a good system of standards, performance indicators, and monitoring also necessarily forces transparency by requiring clear, explicit, and measurable standards articulated through the specific performance indicators used to monitor progress and outcomes. Since the allocation of targeted funding is based on the existing performance indicators the basis for allocation is transparent. There is an assumption embedded that the system of standards and performance indicators is well-known to all involved and form the basis for communicating priorities, recognizing achievements, allocating resources.

A brief review of the essentials is in order to place the performance-related terms used in context before dealing with the more problematic aspects of standards and performance indicators. Essentially, the framework for managing policy implementation performance is:

Question	Performance Term	Determined at
Where are we going?	Performance Standard	National level
Where are we?	Performance Benchmark	Local level
How will we get there?	Performance Targets	Local level
How will we know we are getting there?	Performance Indicators	National level

The key points are that the answers to these questions form the basis of communicating to staff and the public the priorities and the plan to achieve them at the local level. Within the context of a national performance standard, each district starts from their particular benchmark, and progress toward the performance standard is the key factor. However, not all districts will achieve the standard at the same time, but the overall effect is to progress toward the standard in a planned manner through meeting performance targets. The use of consistent performance indicators throughout the nation sets the stage for identifying where specific sector grants are most needed and will be most effective.

#### *PERFORMANCE STANDARDS*

*Performance standards describe the desired level of performance quality, in quantifiable or observable terms, that is to be achieved.*

Performance standards serve to make explicit what is meant by meta-policy statements like "Improving the health of Indonesians," or "Improving the educational standard in Indonesia." For example, specifically identifying life expectancy and establishing some standard to be achieved directs attention to infant mortality rates, morbidity rates, provision of preventative health services, as well as curative programs. Each in turn would have their own performance standard that serves to make explicit what is intended by the visionary statement "Improving the health of Indonesians."

If, for example, quality of life was the starting point, there may be some overlap with the factors used in achieving increased life expectancy, but more attention would be paid to qualitative data as well as employment, living conditions, access to food, etc. What is determined as the primary starting point has a profound impact on:

1. what is considered important;
2. what data is seen as relevant;
3. how data is collected and processed; and equally important,
4. what data is seen as not relevant.

This is not a trivial point. It is the fundamental point. The selection of the specific performance standards is a statement of underlying values as to what is important.

As noted earlier, the selection of which performance standards to use effectively clarifies and determines what is meant by the policy statement. By implication, they also identify a much larger range of options that are not given priority. The analogy of standing at an ice cream counter with thirty-one flavours to choose from is an apt one. If you select one flavour you have effectively said "no" to the other thirty. Usually we do not think of making a choice this way, but in policy work we need to be aware of and make conscious decisions about the options not given priority.

Ideally, performance standards would be selected on the basis of analytical work as well as conceptual causal modelling (mind mapping) in order to identify critical components. Remember, the mind mapping exercise is a method to make explicit the assumptions about causal linkages that can then be tested against available data. Typically, correlations are used to identify specific weights for identified causal factors, and while the process is not necessarily statistical, it is an analytical process that assists in identifying the most effective policy levers

from a range of options. By using available data to test assumptions, they are measurable in some fashion. (In the absence of data estimates are used.) However, the bottom line is that the policy levers must be measurable, otherwise progress, or the lack thereof, cannot be determined and the policy will lack effective directive content.

A major feature of articulating performance standards is that they must be public and, because of that, transparent. They become effective means of communicating which level of service is expected and serve to orient staff and empower local people to hold local officials accountable for achieving the performance standards.

In terms of focus, performance standards focus on outputs, not on inputs or processes. Inputs and processes are identifiable as necessary preconditions for achieving outcomes. These terms will be addressed under performance indicators, as they also identify different types of indicators. In general terms, the intended policy outcome may be "Improving the health of Indonesians," under which outputs such as lowering infant mortality, increased inoculation coverage, and individual perceptions that general health is improving may all be outputs from various programs seen as directly contributing to meeting the intended policy outcome.

In effect, the policy outcome has to be defined in specific output terms that form the basis for identifying which particular performance standards should be developed. It bears repeating, how the policy outcome is defined in output terms is a direct result of the values used. If there is an overarching concern with equity, there will be quite different output terms used than if the overarching concern is efficiency.

There simply are fundamental values, such as efficiency and effectiveness, articulated or not, that lead people to view problems and concepts in particular ways. Unless these are made explicit, it is entirely possible to have national priorities for achieving broad overarching policy goals undermined in the direction determined by the development of performance standards under particular policy initiatives.

It is, unfortunately, simpler to have unintegrated policy directions as each specific ministry fashions its own priorities understood from its own particular view of the world. Each of them could have coherent systems of standards and performance indicators, but even then, unless there is an overarching set of principles that guide their development, policies often end up being counterproductive to each other.<sup>22</sup>

However, each policy and resulting standards and programs could be entirely internally consistent. What is, unfortunately, more common is that during the design phase of the programmatic response, no attention is paid to developing the performance monitoring system required to determine whether the particular programmatic response is effective. As difficult as it may be to understand, massive government expenditures are often undertaken without any reference to whether or not they improve or exacerbate the situation they set out to rectify.

---

<sup>22</sup> For example, social assistance policy may require that monies received in addition to welfare payments are to be considered income and therefore deducted from the assessed amount of social assistance. However, labour force initiatives may well fund training programs with an allowance for books targeted to single mothers on welfare. The resulting deduction by social assistance policy of the training allowance effectively killed any incentive for the client to pursue training. This is not fiction, and it took some time to resolve the worst of it.

This goes back to the ideological distorting discussed earlier; once one believes they have the right answer, why bother checking, simply implement.<sup>23</sup>

The conceptual I-P-O-O (Input-Process-Output-Outcome) framework is a means to understand that within the bureaucratic structure, outputs from one level provide the input into the planning process for the subordinate level. The terms are useful for understanding how policy deflection occurs, not due to incompetence or malevolence, but simply as a feature that what one sees depends on where one sits. Without clear performance standards articulated, there is little “steering” capacity to ensure that minimal policy deflection occurs.

There is an overwhelming tendency to focus on inputs and processes as indicators that something is actually happening, since they are the easiest type of indicator to use but also the least useful in terms of monitoring if anything of any consequence actually happened as a result.

In summary, performance standards:

- make explicit what is meant by meta-policy statements;
- clarify critical components of what is meant by a quality program/service;
- identify what is important and what is valued;
- enable assessment of progress toward achievement of a quality service;
- improve accountability to the public and government by providing a basis for reporting to staff, stakeholders, and the general public what the school, health unit, and/or ministry is attempting to accomplish;
- encourage use of judgment, efficient and creative means to achieve desired results (which means they tell you what to achieve—not how to do it);
- form an essential component of results-oriented management approach;
- must be specific enough to be measurable and straightforward enough to be understandable, easily communicated, and believable as a significant component of the policy.

#### PERFORMANCE BENCHMARKS

*Performance benchmarks are the specification of current levels of performance based on the most recent performance indicator data.*

Performance benchmarks provide the baseline against which progress, or the lack thereof, can be assessed. It is an integral part of specifically articulating the problem to be addressed and focusing attention on ameliorating that particular aspect. It is simply common sense to determine the baseline for determining the effectiveness of the program response. However, in my experience in public policy, this is rarely done.

There are actually two levels of benchmarks—one is the national level and the other is the local level; however, both are based on performance indicator data gathered at the local level. Local

---

<sup>23</sup> I reviewed the public accounts for budget requests in one jurisdiction and found that each year promised results were listed as the basis for obtaining legislative budget approval. In no instance did I find that the subsequent budget request ever reported on the results achieved, but merely listed the same or another list of promised results.

benchmarks provide an effective way to identify the diversity in starting positions across the nation and can direct attention to specific need based grant design to address gaps in capacity. Local benchmarks are also the starting position for establishing realistic, achievable annual performance targets during the planning period. It is patently unfair to not consider the starting point for all areas. Without this recognition, performance standards merely become a punitive tool rather than a visionary one, as outlined below with girls' school enrolment.

#### *PERFORMANCE TARGETS*

*Performance targets are specifications of improvements in performance to be achieved by a specified time within a planning cycle, expressed in terms of movement toward achieving performance standards.*

In most instances, performance standards are not attained in all areas at all times. For example, a performance standard may mandate that 95 percent of all girls between the ages of twelve and eighteen be enrolled in school. This may be part of an overall initiative to improve the health of women, as there are strong linkages between educational attainment and lower fertility and lower maternal and infant mortality rates. In some districts this standard may already be attained, so it is ensuring that it is maintained, and exceeding it is the focus. In others where, for example, the enrolment of girls may be only 43 percent, the expectation that in the next year it will magically achieve standard is simply unrealistic.

What is necessary in the latter situation is a plan with identifiable performance indicators that can be laid out as performance targets as to how this district will move from 43 percent to 95 percent within a specified period of time. Unless boys are going to be refused access to education in order to make room for more girls, likely more facilities will have to be constructed—unless there is substantial unused school capacity. The critical point is that there be some public statement that provides evidence that positive movement toward achieving the standard will be demonstrated.

The other aspect is that it is unrealistic to expect all districts to have identical capacity to achieve the standard, and this provides a framework for all to demonstrate movement in attaining the standard while not expecting all to be at the same point. It also helps identify where specific targeted grants may have the greatest impact in terms of ensuring all districts can meet the standard within a reasonable amount of time.

In standard planning lexicon, if performance standards were called "goals," performance targets would be called "objectives." There is considerable conceptual overlap between policy and planning that is why the policy/planning framework deals with both policy and planning. However, from a policy perspective this is the link to the planning process where specific targets form the basis for developing annual and medium term program budgets and plans.

In summary, performance targets:

- are quantifiable and/or observable achievement objectives that can be measured/observed within a given time period;
- operationally define what is specifically to be achieved within a specified time period;
- provide the basis for operational planning and budgeting by giving direction to those responsible for achieving targets;

- require the specification of information that will be used to determine the results achieved for each standard (performance indicators);
- require the specification of the current level of performance (benchmark) based on the most recent indicators used.

### *PERFORMANCE INDICATORS*

*Performance indicators are statistics that inform policy-makers, staff and the public about the status of critical components of the sector identified through the establishment of performance targets and standards.*

Performance indicators can be either quantitative or qualitative statistics, but it is fundamental that they measure something of importance. Remembering the truism that "what gets measured gets done," the selection of performance indicators is perhaps the most crucial operational aspect of the process.

They explicitly identify what is important, and the most common error is to select things easily measured rather than things important to measure. It is important to recognize that what we select as a performance indicator arises out of our concepts of fairness, justice, and assumptions about human nature. Basically, our assumptions about how the world works and should work.

For example, if we select life expectancy as the measure of the health of Indonesians, we are assuming that increasing life expectancy is a valid measure of the health of Indonesians. We are also assuming that if the aggregate life expectancy goes up then that indicates an improvement of overall health. This is a utilitarian approach in which aggregate increases are seen as indicators of improvement. The problem of course is that the poor could in fact have lowered life expectancy if sufficient numbers of the non-poor live longer to produce an aggregate increase.

However, if one adopts a more egalitarian perspective, where increasing aggregate life expectancy is less of a focus than reducing the inequities between groups, then the focus is on reducing the gap between the life expectancy of the poor and the non-poor. An increase in overall life expectancy may result, but the primary focus is on reducing the disparity in life expectancy between social groups. Hopefully with the result of the poor living longer rather than the non-poor dying earlier.

This is more than a simple difference. It speaks not only to the underlying assumptions, but also to which data is collected and how it is analyzed. In the strict utilitarian approach, there is no differentiation and an aggregate calculation is all that is required. Under the egalitarian approach, data needs to be disaggregated along dimensions of gender and poverty and the aggregate calculation only sets the stage for the analysis of differences between groups. In this example, it may simply appear that the egalitarian approach is a more refined utilitarian analysis. However, under most circumstances of distribution of resources, services, and outcomes, the egalitarian approach leads to standardizing the data to examine group or regional deviations from national benchmarks.

It is not simply a case of which measure is better (egalitarian or utilitarian). Which is best depends on what one wants to focus on and measure. The point of reference for the

performance indicator specifically addresses the "How we will know we are getting there?" question. However, the best measurement in the world is virtually useless if it is viewed as measuring something trivial or not meaningful to the overall policy direction.

There is also a temptation to use performance indicators that focus exclusively on quantity without balancing that perspective with quality. On one hand, it is important to know how many children have been inoculated against polio, but it is equally important to know the number of children contracting polio per 100,000 as well in order to monitor the effectiveness of the program. The point being that quality perspectives are not solely qualitative in nature.

As noted previously, performance indicators should focus on outputs that relate to outcomes. The inputs should already be recorded in existing administrative record keeping and may be part of a cost/benefit analysis, but should only be used as performance indicators as a last resort and only where there is a clear predictable relationship between inputs and outputs.

Similarly, with processes, normal management documentation should cover this component and they too should be used as last resort performance indicators.<sup>24</sup> The reason inputs and processes are so often used as performance indicators is that they are usually types of information that are quite easily gathered. As with inputs, they may well be part of an analysis of effectiveness for program planning but not for national level performance indicators.

For example, if it was determined that polio inoculation rates varied from health unit to health unit, it is valid to examine the program delivery factors to determine success factors in order to improve overall performance. However, from the national monitoring perspective, this is not a focus for performance indicators.

A distinction needs to be made between performance indicators in a policy/planning framework and the use of performance indicators within an organization as part of an employee appraisal system. While there is some overlap between the conceptual use of performance indicators to monitor policy implementation throughout the country from a national perspective and the use of performance indicators to monitor staff performance within an organization, there are significant differences in perspective.

The use of the concepts of performance standards, targets, and indicators within an organization come from a management of personnel and resources perspective. When used at the national policy level, these concepts come from the perspective of achieving a desired national outcome. And, with particular attention to developing categorical grants, are policy directive rather than management. Theoretically, the management approach is a planning tool to more explicitly translate the policy direction into action, but that is not the focus of this particular discussion.

In summary, Performance Indicators: What are they?

---

<sup>24</sup> It is often tempting to use number of meetings, budget expenditures, staffing levels, etc. as measures that something is being done and therefore the goal is being achieved. These are the weakest indicators for determining achievement, but may well be useful when evaluating where implementation worked and where it did not.

- statistics that inform policy-makers, staff, and the public about the status of critical components of the sector identified through the establishment of performance targets and standards
- based on a point of reference (such as a standard or benchmark) established against which the specific aspect that is being measured is judged
- generally characterized as either relating to inputs, processes, outputs, or outcomes, for example:
  - inputs include facilities, resources, personnel, and policies
  - processes include program availability, content, delivery, and management
  - outputs include services delivered, public attitudes and perceptions, changes in behaviour
  - outcomes include quality of life, societal satisfaction, social behaviour, and attitudes
- focus on quality of performance (how worthwhile achievement has been) as well as on quantity (how much has been done)
- measure something that is judged to be important about the quality of life in the region/nation

Why are they used?

- to contribute to improving services and to improved performance of the government system as a whole
- to provide a means for communicating information about important aspects of the nation or region's demographic, economic, and social environments to staff, partners, and the general public
- to provide strategic information that can be used to assist decision-making to report on the performance in relation to established standards and goals

How can governments use them?

- as part of developing sectoral plans to define how achievement of goals and objectives will be measured
- as a means of identifying priorities (performance targets) and monitoring the extent to which they are being achieved
- as a means of communicating important information about sector programs and services to staff, partners, and the general public

One of the most common problems with this straightforward formulation of inputs, processes, outputs, and outcomes is the tendency for people to engage in a “how many angels can dance on the head of a pin” argument about what is an “output” and what is an “outcome,” as though that was the main point. It is not. The outcome is the larger social purpose articulated in the intent of the policy. The output is simply one means to that.

For example, if the intent is to improve the health of rural Indonesians and the program designed for this was a water irrigation project, then (assuming the notions of “inputs” and “processes” are less problematic) water coming out of the pipe for irrigation is certainly an



immediate output. A harvested crop is a longer-term output, but it is the reduction of malnutrition that is the associated outcome relating back to the original intent. If the harvested crop goes to areas with more money, and does not impact the malnutrition in the area of production, the outcome will not be achieved. Declaring the harvested crop as an outcome is much like declaring the operation a success even though the patient dies.

### *Critical Elements*

- identification of the most efficient and effective policy levers in the design phase
- identification of the most efficient and effective performance indicators for monitoring outputs

The critical elements focus attention on the analysis of the performance-related data. In the ideal situation, national performance standards are the standard against which local benchmarks are compared. Specific to this aspect is the analysis of the differences among districts, the identification of the existing performance gaps, and the identification of specific components requiring specific support.

For example, returning to the situation where the performance standard may mandate that 95 percent of all girls between the ages of twelve and eighteen be enrolled in school. In districts where the enrolment of girls is substantially below that level, categorical grants may be required to address specific gaps. During the conceptual causal modelling component, facility capacity would be identified as a factor, as would cultural influences, poverty, and so forth as all having bearing on enrolment of girls. Since the conceptual modelling forms the basis for developing the performance indicators, these factors should be able to be identified for each district, which permits the design of effective categorical grants to specific situations with tight policy direction.

However, most situations are far from ideal from a data perspective. It is essential that the conceptual causal modelling be done and factors tested if there is data. In the absence of data, it is necessary to develop estimates of causality in order to guide the development of categorical grants to address specific barriers to girls' participation in school. *The purpose of conceptual modeling is twofold, one is to make explicit the assumptions being made and the second is to provide a framework for developing a performance-indicator system.* Very often, while there is not direct data for factors, information is available with which to provide indications of critical components. This is where a particular talent and experience with handling data and transforming it into information is required.

The process of analysis also identifies which specific aspects need to have performance indicators and where direct or indirect data can be used and/or gathered. The key point is the closing of the loop between the selection of policy levers for specific policy outputs and the monitoring of the attainment of those outputs.

### *Practical Hints*

- think first, crunch second (first do conceptual causal modelling, then do data analysis)
- measure what is important—not what is easy to measure

- the more you understand about the structural components to a problem, the more specific and effective you can design the response
- there is no substitute for clarity in performance standards, targets, or indicators
- budget for programs should allocate a minimum of 5 percent for performance indicator monitoring
- monitoring of performance indicators must be done independent of the program implementation organization

Most of these points have already been made, but bear repeating. Thinking should always precede data analysis, although one needs to avoid the danger of being too limited in perspective as to miss obvious data relationships. However, the perspective is to test assumptions and that should be an iterative process with conceptual causal modelling and data analysis.

The point about measuring what is important is self-evident. However, creativity is required to see how easily accessible data may be transformed into meaningful indicator data. The crucial part here is to be efficient in data gathering. There is a tendency to overdesign a performance indicator system so tightly that more time is spent on data gathering and reporting than on program delivery.

There is a tendency to view performance monitoring and evaluation as “policing” activities in the sense of ensuring that those being monitored do not do the “wrong” thing or in the “wrong” way. This approach is oriented to control and is reflected during discussions on the purpose of monitoring specific elements and the level of collaboration between the monitoring agency and those being monitored.

While the placement of performance monitoring and evaluation within a policy/planning framework leads to a collaborate approach, the “policing” orientation leads to an administrative oversight perspective. While both approaches ostensibly are concerned with improving service delivery, the active participation in monitoring and evaluation at the local level is the determining factor and the “policing” approach, while easier to implement, does not rely on or encourage active local participation. This likely means that the unique characteristics and challenges in each local area are not taken into account during implementation.

While this perspective was primarily designed from the national policy level perspective, the link to the policy/planning process necessarily directs attention to the local implementation level. This is a critical point. *If performance monitoring and evaluation is either presented or seen as strictly a centrist oversight of local program implementation, there will be no perceived value at the local level.* Alternatively, if performance monitoring and evaluation is designed to provide local government officials and their staff with information about the implementation of their programs, there is a value to the local level. The balancing comes between the level of detail the central government needs (as opposed to wants, and they always want more than they need) and the local monitoring and evaluation processes. This is not to suggest that the central government has no role, far from it. But the role is within an overall policy/planning framework integrated with performance standards, performance benchmarks, performance targets, and performance indicators balanced with the reality at the local level.

There is also a pragmatic consideration. Where does the information come from? Obviously from the local level, whether it be through administrative reports, householder surveys, data forms, and so on. Since the necessary information must be collected at the local level, the centre is faced with either working collaboratively with local governments to collect and provide required information, or setting up a large and expensive infrastructure that will collect the information. Ideally there would be a blend of the two, with specific basic data on school enrolment (as one example) provided by the local government, while general outcome data would be provided through national surveys. However, a basic consideration has to be the utility of the information collected in terms of integration into local and national policy and planning. If the centre establishes the collection system for all data, it is unlikely that there will be either co-operation or integration of data into policy and planning at the local level. This effectively moves performance monitoring and evaluation out of the policy/planning collaborative framework over into a “policing” model that has a different orientation and purpose.

Further, there is a clear relationship between the level of understanding of the specific causal factors and the policy effectiveness of any particular programmatic intervention. Targeting grants to irrelevant policy levers is both inefficient and ineffective. In order to serve as an effective communication tool with staff and the general public, clarity is essential. One of the major advantages of a performance-related system of standards, targets, and indicators is the ability to effectively communicate what is intended, what is being done, and reporting on both.

The unfortunate history of program funding has been that evaluations are often designed after the fact and there is not provision made for ongoing monitoring of performance indicators. This, of course, assumes that the design of the program included clear statements of standards, targets, and indicators that may or may not be the case. The clearest indication of a serious attention to performance monitoring and evaluation is the allocation of resources to those activities. A 5percent investment is small compared to the increased probability of the increased effectiveness of the remaining 95 percent.

In summary, the problems in practice are:

- "what gets measured gets done"
- the selection of performance indicators is perhaps the most crucial aspect of the process
- they explicitly identify what is important, and the most common error is to select things easily measured rather than things important to measure
- what we select as a performance indicator arises out of our concepts of fairness, justice, and assumptions about human nature and how the world works
- the temptation to use performance indicators that focus exclusively on quantity without balancing that perspective with quality
- the selection of the specific performance standards is a statement of underlying values as to what is important
- what is determined as the primary starting point has a profound impact on what is considered important, which data is seen as relevant (equally important is which data is seen as not relevant), and how data is collected and processed



## GENERAL POLICY MODEL — Practical Application of Critical Theory

This section provides an overview of the perspective of policy used and the distinctive features of practical theory presented in the Introduction—problems, knowledge, and principles. A brief discussion of problems in practice presents examples of ethical and methodological issues in the educational policy area. This discussion is the basis for the specific propositions used in the development of an ethical perspective of policy presented as the conceptual model of policy and ethical propositions. Some material presented earlier is repeated in order to provide a fuller treatment of the concepts.

### *PROBLEMS IN PRACTICE*

This discussion of problems encountered in practice occurs within the context of a hierarchical educational bureaucracy. The top civil servant in the department reports directly to an elected official with exclusive constitutional authority for education within a western democratic governmental system. The scenarios described are abstracts of real situations. They have been selected as examples of particular issues relating to policy.

#### Scenario 1

One problem I encountered in practice can be described as a problem of the legitimacy of policy intention. This problem has two aspects:

1. legitimacy—who should determine educational purposes and goals and what should be their respective roles; and,
2. validity—what knowledge of and beliefs about education and society are used to justify actions.<sup>25</sup>

The first aspect deals with the authority to make decisions for the larger society. The second aspect addresses the form and substance of knowledge and beliefs used to make and justify decisions.<sup>26</sup> Knowledge and beliefs about pedagogical and administrative processes of

---

<sup>25</sup> Knowledge and beliefs can be explicit and thereby open to public discussion and debate. In this form, they are problematic only to the extent to which they are not informed by public discussion or to the extent to which the public discussion is controlled by the use of coercive power. When the knowledge and beliefs are not open to public discussion and debate, they are implicit and operate at the level of assumptions. My concern is more with implicit knowledge and beliefs functioning as assumptions underlying actions, which may or may not be recognized by participants in the situation.

<sup>26</sup> In my distinction between legitimacy and validity I am committing a bureaucratic "heresy" by claiming that superior position in a hierarchically structured organization is not necessarily correlated with a corresponding superiority in wisdom, judgement, and ability. This may not be a new insight but it should be emphasized that from the inside of the bureaucracy no distinction is usually made between the authority to make a decision and the soundness of the decision made. I have seen some ridiculous decisions implemented simply because the individual making the decision had the authority to make the decision. Failure to separate these two dimensions leads too quickly to the excuse of merely following "legitimate" orders as a defense for not taking individual moral responsibility for actions taken on behalf of an organization. I need to distinguish between following demands based on the legitimacy of the authority behind the demand and making moral decisions based on the rational

education, once incorporated into educational practice, have direct effects on children and indirect effects on the rest of society. The ethical questions here are:

1. Do the individuals or groups making decisions about educational policy have the legitimate authority to make those decisions?
2. Are the knowledge and beliefs used to make decisions rationally justified?<sup>27</sup>

The particular form of this problem I want to describe occurred during the reorganization of a department of education. As an internal consultant, I provided staff support to the senior management reorganization committee. I developed mission, goals, objectives, and task statements for the department. These statements formed the basis for the identification of divisions based on a coherent allocation of specific goals and objectives functions and related task responsibilities. Through this process, goals and objectives statements were developed for divisional, branch, and unit purposes. These statements were to guide the actions of individual civil servants in the achievement of the departmental mission within the context of their particular areas of responsibility.

However, the mission, goals, objectives, and task statements were action-oriented statements of what was to be done. These statements had implicit assumptions about what children in schools were like, what they should learn, and what they should be like at the end of the formal public schooling process. The statements also had implicit assumptions about the appropriate roles of government, parents, and the teaching profession in education. These assumptions were never discussed. However, debates within the committee over what were legitimate responsibilities for the department were in fact debates in action terms about the different beliefs committee members had about the purposes and processes of education. These beliefs operated as implicit assumptions which underlay the assumptions about the purpose of education and governmental, parental, and professional roles in education defined by the organizational structure and actions selected.

Were these administrators the legitimate persons to make these decisions in a democratic society? Even if they were, the hostile response of the majority of senior administrators to discussing their beliefs about public education made it impossible to rationally justify their decisions.<sup>28</sup>

---

validity of the action required as well as about the legitimacy of the demand. In the current discussion this is not essential, but it will be when discussing the role of the civil servant.

<sup>27</sup> With the emphasis on rational justifiability I am referring to Habermas's notion of rational consensus formed through discourse as an ethical criterion for actions taken by a minority of citizens on behalf of and which affect the majority of citizens.

<sup>28</sup> This is an example of what Chris Argyris raises in "Making the Undiscussable and its Undiscussability Discussable", *PAR*, May/June 1980, 205–213 when he states: "I refer to the inability of organizations to discuss risky and threatening issues, especially if these issues question underlying organizational assumptions and policies."

## Scenario 2

A second type of problem I encountered can be described as a problem of the legitimacy of the normative basis for policy action. The normative basis includes the knowledge and beliefs that underlie the identification of what is and is not feasible and appropriate to do within the context of a particular policy intention. The normative basis affects policy implementation and the associated responsibility/accountability systems.

The ethical issue here is also of two parts:

1. the rational justifiability of the normative basis used in policy action; and,
2. the legitimacy of those involved to exercise their normative assumptions.

The particular aspect of this problem I want to describe is the adherence to professional norms when public norms have been established for education. In this case, a teacher had been found guilty of teaching racism and hatred in his classroom, and the government therefore directed the department to undertake a review of all curricular and learning resource materials approved by the department. As a member of the three-person team selected to establish the criteria for the review, I successfully argued to base the evaluation criteria on existing statements in each of the elementary, junior high, and senior high school program guides. These documents included the education mission, education and schooling goals, and explicit statements about the student values and characteristics that were to be fostered in schools. These statements had been mandated by the Legislature after extensive public discussions about the role and purpose of public education in society.

The team found that these statements were adequate guidelines for the development of curriculum and selection of learning resource materials—providing they were used. Two in-services were given to orient teachers involved in the review. Many of the same teachers had been involved in the original development of the curriculum and the selection of approved materials. When the teachers were asked whether they were aware of the statements of mission, goal, and desirable student values and characteristics, only a handful were aware that the statements existed. Not one teacher or departmental curriculum representative present accepted the legitimacy of these statements as having any authority over what they saw as a purely pedagogical matter—what students should learn.

The professional norms guiding the selection of appropriate action in education may be at odds with the normative expectations held in the larger society. Whose norms, the profession's or the public's, should be used in curriculum development? Which one of these is more or less legitimate than the other?

## Scenario 3

The third type of problem I have encountered can be described as a problem in the efficiency and effectiveness of achieving policy outcomes. There are two functional dimensions to this problem. First is the selection of the specific actions used to realize the policy as an outcome. These specific actions produce both intended and unintended consequences. The ethical questions here are:

1. Was all available knowledge used in the selection of specific actions?
2. Are the costs minimized and the benefits maximized?

Second, there may be an evaluation of the policy outcome, and the ethical issue here concerns the focus of the evaluation:

1. on the achievement of the policy intent; or,
2. on the achievement of the specific implementation objectives.

For example, in a distance education school, teacher productivity in lesson correction was an economic and pedagogical concern: economic because the fewer lessons marked in-house, the more had to be contracted out on a fee-for-service basis; pedagogical because the longer the turnaround time from lesson submission to lesson return, the slower were students' corrections of errors and progress.

To increase productivity, a twenty-lesson-per-day target had been set for all teachers. Records of teachers' weekly lesson marking were kept and time was monitored by a keying in to a time-clock. The twenty-lesson rule meant that some areas, notably business education, could meet the standard in half the time it took teachers in other subject areas, like English. The actual outcome of the policy was that teachers in business education could reduce their productivity to the criterion level while validating their productivity by having spent the required number of hours at work. Other teachers could not increase productivity up to the required level without reducing the quality of instruction, although they could demonstrate that they had spent the required number of hours at work. The consequence of this approach to increasing productivity was in fact the opposite of what had been intended. More lessons, not fewer, were contracted out. The differences in course marking time were well-known, and an analysis of the likely consequences of the twenty-lesson policy would have anticipated this outcome. Despite failing to meet either the economic or pedagogical objective, the policy was considered successful because the implementation objective of having teachers complete the weekly lesson marking record form was achieved.<sup>29</sup>

### *CONCEPTUAL MODEL*

Experiences like those described lead me to conceptualize policy as a normative form of teleological action that includes intention, action, and consequences. Policy statements are normative statements by virtue of expressing an ideal to be achieved or by specifying desired forms of behaviour. They reflect conceptions of what should be achieved and/or done. The characteristic of articulating the desired end state is what makes policy normative. Engaging in normative action to achieve a particular end state is what makes policy teleological. The *intentional* component, the "why" of policy, identifies a conscious or tacit purpose to be

---

<sup>29</sup> This type of problem is not usually described as an ethical problem, but rather as a functional problem of implementation. My position is that because of the unique role of civil servants, serving public interests and responsibility for public funds, the inefficiency and ineffectiveness described in this scenario are ethical issues.



achieved. The *action* component identifies "what" the policy is to do, and is the basis for defining the normative boundaries for specific action alternatives. The *consequence* component includes both anticipated and actual outcomes. Anticipated consequences are the basis upon which specific implementation actions are selected, the "how" of implementing policy. Outcomes, both intended and unintended, are the actual consequences of how the policy was implemented, the "what happened," and ideally will mirror the intention.

The intention, action, and consequence components of policy:

1. address related but different interests;
2. depend upon different forms of knowledge about and scientific approaches to practice; and,
3. require a distinctive ethical criterion to guide practical judgement within each component.

With respect to the general responsibilities of civil servants in policy, a civil servant has two primary responsibilities in a democracy:

1. to be a responsible citizen; and,
2. to serve the public interest.

The first is common to all citizens. The second is particular to any person accepting the public responsibility to make or implement decisions affecting other citizens. A corollary is that the specific role of the civil servant is subject to these primary responsibilities. With respect to the specific responsibilities of civil servants within each of the policy components described:

The intention component of policy requires a self-reflective awareness of the temporal continuity of policy and the social purposes to be served by policy. This component orients attention to what should be, and requires public justification of the principles and values upon which policy is based. Critical social science is the appropriate methodology for developing the knowledge required to go beyond habitual patterns of problem definition and solution in this component. The knowledge produced should be emancipatory by distinguishing between real and ideological limits to individual growth, autonomy, and responsibility. Further, critical social science provides the criterion of discourse, as a process for reaching rational consensus, as the basis for guiding ethical practice in the establishment of the intention of policy.<sup>30</sup>

The action component of policy requires an understanding of the social and cultural interpersonal meanings that form the normative constraints for policy action. This component orients action to what is feasible to accomplish and requires the identification of the legal and moral obligations and expectations within policy contexts. Interpretive, or hermeneutic, science is the appropriate methodology for developing knowledge of the norm-conformative expectations governing interpersonal relations. This norm-conformative knowledge is the basis for the deontological criterion of

---

<sup>30</sup> The *Conceptual Mind Mapping* section is one means to address this.

acceptable norms that should be used to guide ethical practice in the establishment of the prescriptive normative basis for policy action.<sup>31</sup>

The consequence component of policy requires both technical and empirical knowledge:

(a) Technical knowledge of cause and effect relationships strategically useful in accomplishing the policy intent within the prescribed normative limits for action as the basis for selecting efficient and effective policy actions. This aspect orients attention to instrumental action and empirical knowledge about predictable and controllable consequences of specific actions. The empirical-analytic sciences are the appropriate methodology for developing knowledge of objects and events as dependent and independent variables and the identification of causal relationships. This predictive knowledge is the basis for the consequentialist criterion of maximizing desired consequences that should be used to guide ethical practice in the selection of strategic policy action.<sup>32</sup>

(b) Empirical knowledge of the outcomes of policy in specific cases as the basis for evaluating the congruency between policy intention and policy outcome. This aspect orients attention to describing what actually occurred in terms of the intended outcomes. The empirical-analytic sciences are the appropriate methodology for developing knowledge about the outcomes of policy as the basis for the consequentialist criterion of maximizing desired consequences that should be used to guide ethical practice in the evaluation of policy outcomes.<sup>33</sup>

This conceptual model of policy and specific propositions represents the central core of this discussion. It reflects my own evolution as a civil servant in policy practice. The discussion is not an extensive review of the literature on ethics, policy, bureaucracies, or political philosophy. It is a personal evolution based on selected literature, drawn from these areas, directed to other civil servants, who, like myself, are concerned with the ethical implications of government policy and their roles in that process.

Critical social science is the appropriate approach because it:

1. integrates empirical-analytic, interpretive, and critical sciences into a comprehensive approach to policy;
2. accepts that rational argumentation within each scientific approach is valid within its paradigm and is oriented to different components of the policy process; and,
3. is based on a communicative ethic which is fundamentally democratic.

---

<sup>31</sup> This is typically accomplished through reviewing existing legislation for the legal limits and through qualitative research such as surveys and focus groups.

<sup>32</sup> This is another area where the *Conceptual Mind Mapping* is useful.

<sup>33</sup> Typically quantitative methods would be used, for example, in the health area. If the purpose is to increase life expectancy, then standard methods can be used to determine whether or not this occurred. If the purpose was to raise the self-perceived health of the population, then survey methodology is appropriate. I worked in one jurisdiction that had the highest self-health rating in the country, and at the same time one of the lowest life expectancy. Which criterion of health is appropriate depends on the purpose of the policy.

However, critical social science is process-oriented, and does not provide the statements of purposes and values with associated principles of action required to provide a framework for policy. My concern is that the only limits imposed on critical social science are internal to the process itself. I believe that principled limits on public policy practice are required that are necessarily external to the situation and to the participants involved.<sup>34</sup> To establish these limits to the role of the civil servant in public policy requires ethical guidelines in addition to the communicative ethic to be described.

### *Policy as Practice*

Policy is a normative form of teleological action. Policy has a social purpose and an intention to consciously modify society in a particular manner and way. Policy statements are normative statements by virtue of expressing an ideal to be achieved and/or by specifying desired forms of behaviour. They reflect conceptions, assumptions, and presuppositions of what should be achieved and/or done. The characteristic of articulating a desired end state is what makes policy normative. The problem arises, of course, when the desired end state is either not stated or is at odds with the underlying societal framework. This normative concern applies specifically to the intent and action components, and will be further fleshed out.

Engaging in normative action to achieve a particular end state is what makes policy teleological. Policy is, by definition, purposeful. The notion of a purposeless policy is conceptually absurd. This purpose may be poorly or well achieved, but the impact extends through time over the lifetimes of the individuals impacted, as well as through those impacted in turn by them as a result of policy action. This is the nub of the ethical concern with policy. The impact of a bad or poorly conceived policy does not end with its repeal. Just as “the evil that men do lives after them, the good is oft interred with their bones,”<sup>35</sup> so it is with policy. In my experience, much policy development is in response to the undesirable consequences of previous policies, whether within the sector or outside it. Reality is not neatly divided into the same disconnected sectors as policy typically is, which leads inevitably to narrowed focused policy often having broad unfocused results. And so continues the vicious cycle of sectoral policy development, each purposeful within its narrow scope, but often with enduring and broad unintended consequences.<sup>36</sup>

By examining policy from the perspective of the four components of policy (intent, context for action, specific actions, and consequence) it is hoped to reduce problematic policy

---

<sup>34</sup> For example, the most effective ways to reduce the number of children with fetal alcohol spectrum disorder (FASD) may be to either sterilize alcoholic mothers or incarcerate them during their pregnancy. While it may be both efficient and effective, our society, thankfully, would not accept such draconian methods.

<sup>35</sup> Mark Anthony’s funeral oration for Julius Ceasar in Shakespeare’s *Julius Ceasar*.

<sup>36</sup> A classic example of this is a UN investigation of the long-term aftermath of Chernobyl relief finds that the health effects were much less than originally forecast, and that the ill effects of financial aid and relief far outweigh the good. A culture of dependency was created, resulting in social corrosion, fatalism, and resentment among the people. Anthony Browne, Sunday January 6, 2002, *The Observer*.

consequences. Each component has discrete methodological considerations. At the base of the methodological distinction is a distinction of different forms of rationality. However, to place each discrete form of rationality within context, a comprehensive framework for rational action needs to be presented. This is based on Jürgen Habermas's concept of legitimation crisis in modern states and communicative action.<sup>37</sup>

### Legitimation Crisis

The pressure for the state to develop public policy as a form of rational social action is described in Habermas's analysis of the legitimation crises facing modern democracies. Habermas identifies four crisis tendencies in advanced capitalism, which undermine the capacity of the society to maintain and reproduce itself. The four crises are:

1. economic—economic system distributes costs and benefits at variance with the normative value system used to justify its operation;
2. rationality—political/administrative system cannot reconcile or adequately resolve the problems created by the operation of the economic system;
3. legitimation crisis—political/administrative system's attempts to impose instrumental rationality on the traditional normative base supporting the social system undermines the very normative base required for continued system existence; and,
4. motivation—socio-cultural system change, in response to economic, rationality, and legitimation crises, produces changes in the normative structure such that previous institutional arrangements are not effective in meeting individual needs and aspirations (Habermas, 1975).

A feature of Habermas's work is his attention to the legitimation crisis and political/administrative system, as opposed to the economic crisis and economic system in traditional Marxism as the source of the major crises facing modern society.

A legitimation crisis tendency develops when the state, through its political/administrative system, brings increasingly more of our social and economic life under the instrumental rationality of administrative planning. This creates two problems:

1. increasing dependency on the state and demand for services; and,
2. the need for the state to claim a rational consensus to justify administrative actions.

The increasing dependency on the state and demand for services means that the state increases its responsibility to meet more individual needs while at the same time lacking adequate resources to fulfill its promises. However, even with adequate resources the state administers programs through bureaucratic structures that focus on rights and entitlements, and not on individual needs. The apparatus of the state is, in fact, structured in such a manner as to ensure the continuation of the gap between individual needs and expectations and administratively delivered services. This gap between expected and received service sets off a legitimation crisis cycle of increasing promises to meet needs, followed by increasing unmet

---

<sup>37</sup> The detailed theoretical background is presented in my dissertation *Ethical Policy—The Development of a Practical Theory*, 1988, Harvard Graduate School of Education. What is presented here are the highlights, and not an explication of the complexity of Habermas's thought.

needs, followed by increasing public disillusionment and withdrawal of loyalty, followed by increasing promises to meet needs, and so forth.

The end result of this process is the depoliticization of citizens that also reinforces the power of bureaucrats. Democracy becomes defined as periodically voting in alternative sets of leaders—not the discussion and determination of social goals and norms. It is the positivistic separation of fact and value that is the root cause of the rationality crisis. It is the separation of means and ends, politics from administration, and the exclusion of public discussion about values and purposes. The only criterion available to evaluate government and administrative action is the effectiveness of the technical, rational, and scientific solutions to administrative problems. Equity and distribution problems that defy the possibility of rational administrative solutions result in a rationality deficit that leads to the crisis of legitimacy.

While the technology of administration increases efficiency, it also decreases the likelihood of establishing effective normative structures to guide action. The separation of social ends from administrative means leads to the undermining of traditional cultural traditional norms by rational administrative systems. This results in the breakdown of social cohesion based on consensual norms. This is the crisis of legitimacy. The effect of the legitimacy crisis is seen in the crisis of motivation reflected in a sense of alienation and powerlessness at the level of the individual. Habermas's solution to these crises is to expand the concept of rationality to include discussion and debate over ends, norms, and values, as well as means and facts.

The vicious circle of the legitimation crisis is the spread of administrative rationality that drives the rationality crisis, and in turn the legitimation crisis. The difference between the number of governmental actions requiring consensus decisions and those actually based on such consensus demarcates the extent, or severity, of the legitimation crisis.

For example, the legitimation crisis in education arises out of public discussion of the presumed consensual validity claims of schools. The first area is ineffectiveness due to the composite character of society being reflected in a composite public system. This pluralistic approach to education attempts to ensure a legitimate structure of education through the inclusion of, or at the very least, a compromise between, separate and sometimes opposing interests and purposes.<sup>38</sup> This necessarily makes for a structure that is ineffective in some basic ways. This lack of effectiveness contributes to the perception of education as seriously flawed, and the loss of the very legitimacy this compromise system was intended to achieve.

The second area of validity loss is the increasing recognition that schools may transmit values and beliefs that are not congruent with the socialization by other social institutions, such as the market, church, or the family. The diversity of ideological/socialization institutions means that particular components of the social system will not identically express the same socio-cultural values and beliefs. This difference in cultural conditioning generates tensions resulting in the

---

<sup>38</sup> A simple example is the parental interest in having their child's needs treated uniquely and the institutional expectation that the teacher teach the whole class.

questioning of the validity of the parts of the social system.<sup>39</sup>

The third area is the tension between liberal and democratic values and beliefs is reflected in the public system and the concerns over differences and contradictions between different social institutions. From my perspective, the more basic questions of legitimacy, the normative justification for what counts as knowledge and knowing in curriculum, and whose and what interests are being served, should be the fundamental issues in public education policy.

The need to claim a rational consensus to justify administrative actions is more central to Habermas's interests. The increased level of political/administrative control over and intervention in social and economic processes means that the normative socio-cultural system traditionally used to justify decisions is no longer operative. The state, in order to preserve its claim to legitimacy as a democracy, must now justify administrative decisions on the basis of a rational consensus. The key issue for Habermas, and for governmental policies in general, is how this rational consensus is to be established. Habermas deals with this issue through his theory of communicative action.

#### Communicative Action

The policy process is essentially a discourse about ends and means. Language is the medium of debates about what should, might, and can be done. As a discourse, based on Habermas's concept of communicative action, the presence or absence of norms taken for granted in normal conversation can be questioned. There are essentially four validity claims made in normal communication:

1. that what is stated is *true*
2. that the utterance is *comprehensible*;
3. that the speaker is *sincere*;
4. that it is *right* for the speaker to be performing the speech act.

Since it is only through discussion that these validity claims can be examined and tested, the purpose of discourse is to achieve, through argument alone, a rational reassessment of the validity claims usually uncritically accepted in speech.

During a discussion, we call someone rational:

- if he or she is able to put forward an intelligible assertion and, when criticized, to provide grounds for it by pointing to appropriate evidence  
but also
- if he or she is following an established norm and is able, when criticized, to justify his or her action in the given situation in the light of legitimate expectations  
and

---

<sup>39</sup> This is most vividly seen in sex education curriculum and materials in which values and perspectives are taught that may run counter to other social institutions concerned with morality such as churches, mosques, and synagogues.

- if he or she can make the claim that his or her behaviour is right in relation to a normative context recognized as legitimate.

In effect, while communicative rationality is a universalized concept, within each particular policy component it adopts a particular form. Therefore, communicative rationality can be applied within each scientific methodology as the basis for discursively testing the validity of knowledge assertions made.

For example, in empirical-analytic sciences, where the process for developing and making knowledge claims is fairly clear, communicative rationality is the basis upon which decisions between contradictory knowledge claims should be adjudicated. The content of the debate will be different depending on the knowledge domain involved, but the criteria of communicative rationality holds universally. For this reason, claims that knowledge and action are rational is determined by the extent that the claims made through language can be defended.

Habermas focuses on language because language is necessary for the sophisticated communication required to effectively coordinate action in a society. This is particularly pertinent in policy, which is a particular form of language intending to coordinate action in society. The role of language, in coordinating joint action to meet individual needs, presupposes that it is a medium for reaching understanding. This reaching understanding in turn presupposes that validity claims about the rightness, truthfulness, or sincerity of a speech act, tacitly presumed in conversation, can be raised and responded to in discourse.

However, while communicative rationality is the universal condition for rationality, each scientific approach has a particular position on what is and is not knowledge based on what is and is not rational within its paradigm. Within each scientific methodology, validity also includes the internal coherency of knowledge claims. There is a close connection between the rationality of claims made within each scientific paradigm and the predetermined rationality of the particular scientific methodology that determines the reliability of the knowledge claimed.

*The rationality upon which each scientific methodology is built prescribes not only what qualifies as rational knowledge, but also what qualifies as a rational question. This latter aspect is, for policy, the crucial issue. It is not the application of the scientific methodology as a universal method that is the only problem. The problem includes the universal application of the presupposition of what qualifies as a rational question.*

If I want to know the size of a table, I take a tape measure and note its dimensions. If I want to know how the table is used in the context, the tape measure is useless. For this I would need to do ethnographic observation to see how the various people in the context used the table, and then I would need to talk to each of them to gain an understanding of what they were doing. If I only observed and reported discrete behaviours, that would be one level, but if I presumed to infer purposes to their actions, my interpretation of what they were doing would be distorted by my assumptions. However, simply observing the table or asking everyone about its dimensions is not an effective way to determine the size of the table. What is wanted to be

known determines the appropriate method of knowing.

By separating the application of a scientific methodology from its pretense to universal application as a definition of rationality, I am explicitly separating the descriptive from the prescriptive elements in each method. This permits, as I will argue later, the application of each scientific methodology within a comprehensive rational framework. The rationality inherent in each scientific methodology therefore determines which aspects of a general policy question can be dealt with, but not the rationality of the policy question itself.

It is crucial to understand that communicative action is *not* limited to the speech acts used to coordinate action, but rather it "designates a type of interaction that is *coordinated through* speech acts" (emphasis in original, Habermas, 1984:101). However, there are two dimensions to his perspective of rationality:

1. communicative rationality—which deals with assertions of knowledge related to the "goal of reaching an understanding about something in the world with at least one other participant in communication" (1984:11); and,
2. rationality of social action—which deals with the coherency among goal-directed action, intention, legitimate norms, and intervention.

This latter dimension is of course central to any discussion of policy as a rational activity and in Habermas's words:

An actor behaves purposive-rationally when he chooses *ends* from a clearly articulated horizon of *values* and organizes suitable *means* in consideration of alternative *consequences* (emphasis in original, 1984:281).

The critical requirement is that the knowledge assertions supporting the ends, values, means, and consequences components of purposive-rational action be capable of validation through communicative rationality. Underlying Habermas's concept of rational action is the assumption that such action is teleological or purposive—which is precisely what policy is, and the basis for the generic definition provided earlier.

While Habermas is interested in all communicative action, his description of teleological action is directly applicable to the perspective on policy presented:

Since Aristotle the concept of *teleological action* has been at the center of the philosophical theory of actions. The actor attains an end or brings about the occurrence of a desired state by choosing means that have promise of being successful in the given situation and applying them in a suitable manner. The central concept is that of a *decision* among alternative courses of action, with a view to the realization of an end, guided by maxims, and based on an interpretation of the situation (emphasis in original, 1984:85).

In communicative action, Habermas distinguishes between critique and discourse on the basis that discourse presupposes that rational agreement could be reached in a communicative context that is free from internal and external constraints. Critique does not presuppose the



possibility of agreement or a constraint-free communication (Habermas, 1984:41,42).

The importance of this distinction is that Habermas is primarily interested in communicative action oriented to reaching agreement—in other words, the forms of rational debate within each interest-knowledge-science category. The distinctive feature of discourse is that validity claims, tacitly accepted in conversation, become subject to explicit argumentation.

Communicative action includes those forms of social interaction in which the participants tacitly and uncritically presume the validity of speech actions. In discourse, the validity of the speech act is questioned and disputes over truth claims are resolved through argumentation with the sole purpose of reaching agreement on the basis of the better evidence.

Validity claims are proposed as universal criteria for all speech acts, specifically:

In contexts of communicative action, speech acts can always be rejected under each of the three aspects: the aspect of the rightness that the speaker claims for his action in relation to a normative context (or, indirectly, for these norms themselves); the truthfulness that the speaker claims for the expression of subjective experiences to which he has privileged access; finally, the truth that the speaker, with his utterance, claims for a statement (or for the existential presuppositions of a nominalized proposition) (Habermas, 1984:307).<sup>40</sup>

While Habermas, in this later formulation of validity claims, does not include that the utterance be comprehensible, it is such a commonsense criteria that it needs to be included. This is particularly pertinent when working cross-culturally, as the understandings of the words and terms used in discourse will have quite different conceptual cultural roots. It is far too common to reach apparent agreement on concepts like “democracy” without recognizing that it may have quite different conceptual and practical meanings to the participants in the discourse.

### Comprehensive Framework

Each of the validity claims links to a specific knowledge domain that pulls together the policy components and communicative action into a comprehensive framework.

---

<sup>40</sup> In earlier formulations, Habermas included comprehensibility as a validity claim and writers using his earlier works will list four, not three, validity claims. According to Ingram (1987:196, 201), Habermas now views comprehensibility as a precondition, since it does not actually raise a criticizable claim about objective, social, or subjective reality. I am not convinced of this. For example, if a unilingual German speaker is speaking in German to a unilingual English listener, with the impression that he or she is being comprehended (subjective reality and assumption about social reality), then it appears to me that comprehensibility is most definitely a criticizable claim. The presumption of being understood may be based on general, specific, or particular assumptions that everyone speaks German, or everyone here speaks German, or that this particular listener speaks German. Each of these assumptions reveals a distortion of reality that should be subject to criticism since all other validity claims (rightness, truthfulness, and sincerity) may be validly claimed by the speaker.

Policy component	Intention of action	Context for action	Prescriptive basis for action	Consequence
QUESTION	WHY	WHAT can/might be done	HOW to do it	WHAT HAPPENED
KNOWLEDGE	Emancipation (freedom)  Individual autonomy and responsibility  Expressive self-representation of societal members	Practical (understanding)  Legal and moral obligations and expectations  Establishment of controlling norm-conformative interpersonal relations	Instrumental (causal explanation)  Technically and strategically useful empirical-theoretical	Instrumental (causal explanation)  Representation of objective states of affairs
METHODOLOGY	Critical sciences (critical reflection on the assumptions implicit in causal explanations and understandings)	Hermeneutic or “interpretive” sciences (qualitative)	Empirical-analytic or natural sciences (quantitative)	Empirical-analytic or natural sciences (quantitative)
PURPOSE	Expressive (What should be done)	Norm-conformative (What can/might be done)	Objectivating (What is to be done)	Objectivating (What was done)
VALIDITY CLAIMS	Truthfulness (sincerity)	Rightness	Truth	Truth
REFERENT	Subjective world	Social world	Objective world	Objective world
POLICY CRITERION	Emancipatory	Legitimacy	Efficiency	Effectiveness
ETHICAL CRITERION	Communicative	Deontological	Rule utilitarian	Act utilitarian

The identification of each validity claim with specific policy components may appear to contradict my earlier assertion that communicative rationality applies to all scientific methodologies. The resolution lies in recognizing the difference between communicative action as discourse, which structures the debate within each knowledge area and the specific validity claims made by each form of knowledge.

For example, the empirical-analytic sciences claim that knowledge is valid when it reveals cause and effect relationships in the objective world. Objective truth is the key validity claim. However, two scientists debating the validity of competing claims for truth will, through their use of language, necessarily make all three communicative action validity claims (presuming comprehensibility). If one of the scientists claims that X is equal to Y, and the other claims that X is not equal to Y, each must make the three claims that:

1. their assertions can be objectively verified;
2. their procedures followed the norms of empirical-analytic science; and,
3. they are honestly reporting their findings.

If any one of the three claims is not valid, then the assertion being made is not valid. Two interpretive or critical scientists involved in a similar debate will make different normative assertions, but the three validity claims are made regardless of the scientific methodology involved in the discussion.

Communicative actions and discourse are limited to those actions that are oriented to reaching agreement through the process of reaching understanding. This reaching understanding requires that knowledge claims be criticizable. This is an important aspect not only to legitimize knowledge claims as rational, but also as a learning process. Because rational expressions are criticizable, they can also be improved, and we can identify and correct mistakes, and this capacity for learning is central to being rational. This learning aspect of communicative action through argumentation is essential to the continual development of all forms of knowledge. When applied to action in general, it is essential to understanding public policy as a form of rational social action.

Habermas's notion of comprehensive rationality through communicative action and discourse are descriptive of the “good” society. From this perspective, the application of this theory requires and must be directed to the achievement of this ideal society. This is significant for policy which, in effect, presumes some concept of an ideal society and problematic existing reality as the basis for action. Policy ultimately is based on some notion of the “good” society and the critical issue is the extent to which this implicit notion is based on a rational consensus.

The conditions for discourse are basic to the discovery of common values and principles that necessarily undergird the formation of public policy. It is axiomatic that public policy is fundamentally predicated on the premise that the implementation of this particular policy will contribute to achieving an ideal society. However, this is also the problematic aspect as public policy should address the aspirations of the people, not just particular interest groups, elites, or bureaucrats. Fundamental to public policy as a democratic activity is the necessity of serving

the public interest that reflects the combined visions of all the members of the society.

Communicative action also distinguishes between a rational and a false consensus. The conditions for reaching a rational consensus necessarily require:

1. *freedom* to reach an agreement on the basis of the better argument alone; and,
2. *justice* based on mutual respect among participants.

The use or presence of power relations among participants mitigates against the achievement of a rational consensus. The withholding of relevant information or misrepresentation of information also works against the formation of a rational consensus based on the force of the better argument alone.

The example used earlier of a research study into domestic violence and spousal assault which obtained consistent data on the propensity for both males and females to initiate and engage in spousal assaults but chose only to publish the data reporting male violence, and withholding the data on female violence, is a clear case of attempting to redefine the issue of spousal assault and domestic violence into an issue of violence against females. I argue that any consensus thus formed, would by definition not be rational. Further, once this non-rational consensus was formed, it became the basis for rejecting accurate research on the propensity for females to engage in spousal assault in order to preserve the initial consensus, this further exacerbates the non-rational nature of the consensus.

## Policy Components

It is time to look at each policy component in more depth.

### Intent

The intent component, the "why" of policy, identifies either explicitly or implicitly the social purpose to be achieved. Intuitively, the intent necessarily arises out of some perspective of the "good society," and appeals to existing articulated societal values or to unarticulated but understood norms.

Fundamental to this cultural grounding is the human desire to be free, to be emancipated from internal and external forces that limit our options and rational control over our lives. Insights gained through critical self-awareness are emancipatory if one can recognize the correct reasons for his or her problems and take corrective action. Transformative personal and social change becomes possible by becoming aware of the way ideologies distort our perception of reality and have created or contributed to our dependency on socially constructed institutions.

The key is people's capacity to achieve freedom from self-imposed constraints, distorting social forces and institutions, and conditions of distorted communication. This capacity is based on the person's potential to act rationally, to be self-determining, and self-reflective.

Self-determination is the capacity of the individual to be autonomous in two senses:

1. the ability to be reflective about the cultural context and traditions in which he or she is embedded; and,
2. the ability "to become articulate about our own affective and emotional constitution" (Benhabib, 1986:333).

Self-reflection also has two dimensions:

1. reflection on subjective conditions that make knowledge possible—Kant's critique of knowledge; and,
2. reflection capable of freeing a person from hidden constraints in the structures of social action and speech—Marx's critique of ideology (Roderick, 1986:63).

The critique of ideology is required to recognize historical forms of domination, repression, and ideological constraints on thought and action within society. The critique of knowledge is required to overcome the limitations to self-knowledge based on the internalization of social constraints.

When I was a teaching fellow for an undergraduate education course, one of the students in my section was an Indigenous female from a northern reserve. She related that the social reality on her reserve was that Indigenous people, let alone Indigenous females, did not go to university. She recognized, perhaps not explicitly, that her social group's belief that Indigenous peoples did not go to university was a constraint on her. She demonstrated her capacity to overcome this

constraint by including in her self-knowledge the belief that she could enrol in university. This is a particularly good example of critical social action as it includes the aspects of *enlightenment*—overcoming gender and racial ideological constraints, and *emancipation*—enrolment in university as freeing action. To be emancipated requires both enlightenment and action in contrast to only the potential for enlightenment in the interpretive approach. From this perspective, any knowledge that inhibits a person's achievement of freedom and autonomy is ideological, therefore distorted. Further, social systems that prevent a person from developing his or her full capacity for freedom and autonomy are repressive systems.

The philosophical position underlying this approach is critical theory. Critical theory, while not rejecting natural science and hermeneutics as legitimate scientific methodologies, is critical of each as being incomplete methodologies. They are also theoretically incomplete in the sense of their inability to create the conditions for the full realization of human potential.

Critical theory criticizes empirical social science for having the capacity to only describe individual and social behaviour, but not having the capacity to understand or explain it. Interpretive social science is criticized for having the capacity only to understand behaviour, from the participant's perspective, but lacking the capacity to expose the distorted knowledge underlying and distorting the understanding itself.

Fischer identifies the three fundamental assumptions underlying critical theory as:

The first is the "belief that perception, rather than being conceptually neutral, is structured by both linguistic categories and the mental attitudes and interests of the observers." Second is the epistemological assertion that "the categories in terms of which experience is organized and, in turn, known, as well as canons of truth and validity, reflect the values and interests of different groups at different times in history." Third is the claim that the social actor "does not encounter reality as uninterpreted but rather as something mediated or constructed by conceptual schema," whether paradigms, ideologies, or language games (1986:25).

Critical theory starts from a critique of ideology, defined as systematically distorted perceptions of social reality, to enable individuals to become self-consciously aware of knowledge distortions (enlightenment) as the basis for changing the social system to permit the realization of human potential (emancipation).<sup>41</sup> Critical theory, therefore, is identified by its emphasis on emancipation through enlightenment. Enlightenment comes through a process of self-reflection. Self-reflection ideally reveals distorted self-knowledge and institutional domination that prevent undistorted knowledge and the achievement of true interests. Emancipation comes through the awareness of hidden coercion and taking freeing action.

---

<sup>41</sup> Mark Hoffman, "Critical Theory and the Inter-Paradigm Debate," *Journal of International Studies*, Vol.16, #2, 1987. Hoffman has a succinct overview of critical theory and Habermas in relation to knowledge and interests, but does not address Habermas's work on communicative action.

Critical theory starts with the assumption that each historical situation is a distortion of the utopian vision that was the initial normative basis for the existing social structures and beliefs. This utopian vision is not fully articulated, as it is the sum total of all of the aspirations of each individual at any particular point in time and the normative basis is likewise the result of all the interactions between and amongst individuals. Aspects of the vision and norms may be articulated in partial form in such things as the Bill of Rights or the national Constitution, but just as the NHL rule book can only describe limits on how the game is played, these documents can only describe at a macro level how society is to function. The utopian vision has two dimensions: one is the perspective of individual and group rights and entitlements based on formal reciprocity; the second is a perspective of individual and group needs and belongingness or solidarity based on complementary solidarity (Benhabib, 1986).

The rights and entitlements dimension is formalized through institutionalized social structures with a legal-judicial approach to individuals as citizens, and not as discrete individuals with discrete needs and interests. The dimension of need and belongingness finds expression in the complementarity of social interactions that are non-institutionalized and focus on "solidarity, friendship, love and care" (Benhabib, 1986:341) among and between individuals.

The formalized structures created to address rights and entitlements become reified into bureaucratic systems that focus exclusively on the rights and entitlements of generalized individuals, which distorts the achievement of the utopian vision. This distortion arises out of a rationalized separation between rights and needs and, by exclusively focusing on rights of all, ignores the unique needs of each individual. This leads to the distinction between public and private spheres where the public pursuit of justice ignores the private need for care and solidarity.

For example, the criminal justice system pursues the prosecution of criminals, while ensuring criminals' rights, but until recently had entirely ignored the victim's need for care. The victim's rights were supposedly protected by the prosecution of the criminal; however, this is an abstracted right that does not deal with the suffering of a victim caused by a criminal.

In education, as another example, the provision of equality of opportunity, by giving all children an opportunity for an education, meets the legal requirement for universal public education. Debates about equity of education—more specifically the recognition that individual student needs for education are not met equally—recognize the individuality of each student and the unequal impact of the equal opportunity for education.

While empirical and interpretive social sciences describe the world as it is, critical theory tries to understand why the social world is the way it is and, through that process of critique, strives to know how it should be. Underlying the process of critique is the notion that existing social structures and beliefs are socially constructed, and therefore can be transformed through social action. Rational action within this paradigm has evaluative and expressive dimensions.

The evaluative dimension includes: interpreting the nature of wants and needs of self and others in terms of culturally established standards of value; and, adopting a reflective attitude to the standards of value themselves to critically determine the adequacy of the existing standards of value. The expressive dimension requires being willing and able to free oneself from illusions due to self-deception, thereby becoming capable of being truthful and sincere (Roderick, 1986).

From the perspective of critical theory, public activities are historically located; they occur against a social-historical background, and project a view of the kind of future we hope to build. Public policy is a social activity with social consequences. It is actively engaged in social reproduction and is not merely the development of the individual. As a process, it is intrinsically political through affecting the life chances of those involved in the process.

For example, the credentialing aspect of education, regardless of the actual social validity of the criteria, limits the range of alternatives open to each individual. Therefore, those who influence the nature, organization, and process of education can influence the character and expectations of future citizens. Within this process, public acts are morally problematic. Every act of teaching and every learning opportunity raise issues about:

1. its purpose;
2. the social situation it models;
3. the patterning and constraints on relationships between participants;
4. the kind of medium in which it works; and,
5. the kind of knowledge it supports (Carr and Kemmis, 1986:34–39).

The critical sciences are the appropriate methodology for developing this form of knowledge. The goals of critical science are:

1. to further the processes of self-reflection; and,
2. to dissolve barriers to the self-conscious development of the human species (Roderick, 1986:57).

Critical social science has the dual purpose of emancipation through enlightenment and the integration of critique and action through theory and practice. Carr and Kemmis describe the process of integrating theory and practice as including all knowledge-constitutive interests and scientific methodologies. This framework for translating research questions into knowledge, enlightenment, and action requires, as a precondition, the qualities of discourse.

They describe the main features of a critical science as the:

1. formation and extension of critical theorems:
  - (a) Substance
    - can stand up to scientific discourse
    - propositions about the character and conduct of social life
  - (b) Evaluative Criteria
    - statements must be true—therefore analytically coherent and stand up to examination of evidence collected in relevant contexts



- (c) Necessary Conditions
  - freedom of discourse

2. the organization of processes of enlightenment:

- (a) Substance
  - critical theorems are applied and tested by reflection within the groups involved in the action and reflection of it
  - organization of the learning processes of the group
  - systematic learning process aimed at the development of knowledge about the practices being considered and the conditions under which they take place
  - a human, social, and political activity
- (b) Evaluative Criteria
  - insights must be authentic for the individuals involved
  - communicable within the group—mutually comprehensible
- (c) Necessary Conditions
  - those involved must:
    - aim at understanding achieved by practitioners on their own behalf without illegitimate persuasion or coercion
    - give everyone involved the opportunity to raise, question, affirm, and deny validity claims about comprehensibility, truth, sincerity, and appropriateness
    - test their own points of view in self-reflective discussion

3. organization of action:

- (a) Substance
    - selection of appropriate strategies
    - solution of tactical questions
    - conduct of practice
    - substance of retrospective reflection
  - (b) Evaluative Criteria
    - decisions must be prudent
    - decisions ensure that those involved can carry on activities without exposing themselves to unnecessary risks
  - (c) Necessary Conditions
    - those involved in the action are involved in the practical discourse and decision-making process that lead to the action
    - they participate of their free commitment in the action
- (based on Carr and Kemmis, 1986:146–148)

As outlined, this summary sets out a framework to integrate the empirical-analytic and interpretive sciences within critical social science. In order to qualify as critical social science an approach, such as outlined, must:

1. satisfy the symmetry and reciprocity conditions of discourse;

2. conform to the particular rationality of each form of science within its knowledge domain; and,
3. meet the ideals of a communicative ethic.

For Carr and Kemmis, this approach is highly participatory, is democratic, and makes a simultaneous contribution to social science and social change. Perhaps more importantly, it is not a technique to bring about democratic processes, but is instead "an embodiment of democratic principles in research, allowing participants to influence, if not determine, the conditions of their own lives and work, and collaboratively to develop critiques of social conditions which sustain dependence, inequality or exploitation" (1986:163–164).

The ethical position proposed to guide action in the intention dimension of policy that most closely relates to the emancipatory interest is communicative ethics.<sup>42</sup> Communicative ethics emphasizes the role of reason in ethics and the necessity of viewing communicative rationality as a universally binding condition. The validity claims and conditions for discourse in communicative action form the basis for communicative ethics. The key link between communicative action and the normative basis for communicative ethics is the notion of a "performative contradiction." A performative contradiction arises when:

. . the propositional content of a speech act contradicts the non-contingent and unavoidable presuppositions on which it itself rests ... For example, a speaker says: "I question that I exist." This means that the speaker regards it as possible that "I do not exist" (here and now). Yet in order to utter the latter statement, the speaker must necessarily presuppose that "I exist" (here and now) (Benhabib, 1986:293).

The critical aspect of the performative contradiction for Habermas is this: since all argumentation and discourse presupposes that a rational consensus is achievable, to argue that normative claims cannot be rationally decided is to deny the very normative basis upon which argumentation is itself based. Taken one step further, "moral skeptics who deny that valid normative claims can be established at all, through the very fact that they raise a validity claim to be settled argumentatively, commit themselves to the normative ideal of a community of communication" (Benhabib, 1986:294). For example, when someone denies that there are objective moral standards, they are themselves stating a moral standard. Further, by engaging to convince us, their very use of language comes under the communicative ethic normative framework implicit in any discussion.

It is important to remember that Habermas does not limit communicative action only to speech acts. He repeatedly emphasizes the distinction:

I would like to repeat that the communicative model of action does not equate

---

<sup>42</sup> The discussion of communicative ethics is based exclusively on Benhabib's 1986 discussion of Habermas's work. Much of the material she reviewed was based on her translations of Habermas's work that were unavailable in English.

action with communication. Language is a medium of communication that serves understanding, whereas actors, in coming to an understanding with one another so as to coordinate their actions, pursue their particular aims. In this respect the teleological structure is fundamental to *all* concepts of actions. Concepts of *social action* are distinguished, however, according to how they specify the *coordination* among the goal-directed actions of different participants: as the interlacing of egocentric calculations of utility (whereby the degree of conflict and cooperation varies with the given interest positions); as a socially integrating agreement about values and norms instilled through cultural tradition and socialization; as a consensual relation between players and their publics; or as reaching understanding in the sense of a cooperative process of interpretation ... communicative action designates a type of interaction that is *coordinated through* speech acts and does *not coincide with* them (emphasis in original, 1984:101).

While Habermas and Benhabib do not identify the gap between what an individual says and what that same individual does as a performative contradiction, I believe that this perspective is consistent with Habermas's definition of communicative action. The same logic of rational contradiction applies whether the performative contradiction is implicit within a speech act or explicit between speech acts and actions as noted in the "Conversation and Discussion" section earlier.

Communicative ethics, applied to policy, "advocates a participatory rather than bureaucratic model of collective decision-making, and encourages increased public debate on decisions that are usually reached at the expense of those on whose behalf they are carried out" (Benhabib, 1986:350). This means that the normative basis for policy, the intention as discrete from the normative basis for policy action covered under practical interests, requires the rational consensus of all affected by the policy. There simply are different normative contexts for deciding the what and why of a desirable social goal and deciding what actions are permissible to achieve that goal. As described previously, a rational consensus can be established only under conditions of unconstrained discourse with the sole purpose of reaching agreement. The requirement is to articulate the moral point of view in which:

... only those norms can claim validity which meet (or could meet) with the consensus of all concerned as participants in a practical discourse ... Communicative ethics defends a *dialogical* model of moral reasoning, according to which *real* actors engage in *actual* processes of deliberation on moral questions (emphasis in original, Benhabib, 1986:300).

The dialogic model of moral reasoning requires the participation of the actual individuals affected, and is contingent on the willingness and capacity of these individuals to engage in discourse. Benhabib notes that "the moral sagacity and political insight necessary to concretize the principles of such ethics in action or policy, are external to the theory" (1986:322). *This highlights the need to ground communicative ethics within a principled framework.*

The application of communicative ethics provides a critical test for distinguishing non-generalizable from generalizable interests. It itself may assist in discovering or uncovering universal interests, but its main purpose is to critically examine propositions of the public interest "in order to reveal the partiality and ideological biases of interests claimed to be universal or general" (Benhabib, 1986:311).

This, to me, is a problem embedded in communicative ethics. It is oriented to tearing down false conceptions of the public interest, not in building up true conceptions. However, norms that withstand critical review are legitimized by the process of discourse, but the process itself is incapable of initiating normative claims. These claims, it would appear, must arise out of our technical and practical interests related to our perception of our objective and social contexts. Further, critical theory, as noted earlier, starts with the assumption that our current situation is a distortion of the utopian vision that was the initial normative basis for society, which implies a devolution from some ideal position. I am not at all convinced of this, and rather think that we are in the process of evolution to closer approximations of an ideal form or utopia. The problem arises in that in the process of consciously reproducing our society, our individual limitations distort our achievement. This is why revealing the partiality and ideological biases of interests claimed to be universal, or general, is essential in the policy process.

To repeat, communicative ethics requires:

1. the willingness and capability to engage in argumentation over controversial normative claims;
2. the acceptance that any validity claim (truth, rightness, truthfulness) can be resolved through discourse;
3. following the symmetrical and reciprocity conditions for discourse; and
4. following the rules for argumentation.

In the universal presuppositions involved in communicative action as communicative ethics is the prescription that participants in a discourse are capable of argumentation. Clearly, public policy can affect children, but the capacity of each child to engage in discourse is cognitively limited. If Mezirow (1985) is correct in his identification of emancipatory interest as a uniquely adult interest, then capacity to engage in discourse is not to be found in children. This means that discussions about what is best for children are necessarily paternalistic.

This is problematic, because communicative ethics "proceeds from the assumption that there is no single spot in the social structure that privileges those who occupy it with a vision of the social totality" (Benhabib, 1986:352). This is a necessary assumption to support that it is the force of the better argument in unconstrained discourse that is the criterion for moral positions. Critical social science empowers each individual by denying that any one person, by virtue of power or position, has privileged authority for moral issues.

However, paternalism is in fact the presumption of a privileged position. Whether it is by the state, parents, or professionals' statements and actions taken on behalf of children, they are necessarily paternalistic. I would prefer to recognize children as legitimate participants in public

discourse subject to the same standards as other participants. At the very least, statements made on behalf of children need to be bounded by principled limits, and paternalistic arguments themselves must be subject to the formation of a rational consensus through discourse.

One alternative is for communicative ethics to rely on a legalistic-juridical conception of individual, including children's, rights and entitlements. The other alternative is to rely on a democratic-participatory conception in which, as I have pointed out, some of the individuals directly affected, such as children, may not fully participate. Communicative ethics, as Benhabib observes, "vacillates between a legalistic-juridical conception of public life on the one hand and a democratic-participatory conception on the other" (1986:343).

The resolution of this apparent ambiguity lies in recognizing the iterative relationship between rights and entitlements on one hand and needs on the other. The establishment of legal rights and entitlements is based on the notion of needs treated as universal.

For example, the provision of universal education as a legal right of all children is based on the recognition that all children not only are educable, but must be educated. However, when this legal entitlement is administratively delivered through a public system, an individual child's need for education may be unmet. The administrative system structures its provision of education to a generalized conception of the "child," and develops materials and procedures to provide an education to that abstracted concept.

However, by treating each individual child as identical with the generalized "child," children who fall outside of the range prescribed by this abstracted concept may not be adequately educated. This requires, as in the case of mentally, physically, or socially disadvantaged children, democratic-participatory action to revise the legal entitlements to specifically address the concrete needs of students. The administrative system in turn develops a conception of the generalized "special education child" in order to administer this expanded legal entitlement.

The process I am suggesting is that the legal-juridical statement of rights and entitlements is iteratively transformed on the basis of needs expressed through democratic action. Legal entitlements empower bureaucracies to deliver services for the public good, while democratic participation provides the means to protect individuals from harm from the services delivered.

The distinction between treating an individual administratively or uniquely is essential to understanding why policy must be interpreted in light of situational and contextual needs. Benhabib provides a clear statement of the differences:

The standpoint of the "generalized other" requires us to view each and every individual as a rational being entitled to the same rights and duties we would want to ascribe to ourselves. In assuming this perspective, we abstract from the individuality and concrete identity of the other. We assume that the other, like ourselves, is a being who has concrete needs, desires, and affects, but that what constitutes his or her moral dignity is not what differentiates us from each other,

but rather what we, as speaking and acting rational agents, have in common. Our relation to the other is governed by the norm of *formal reciprocity*: each is entitled to expect and to assume from us what we can expect and assume from him or her. The norms of our interactions are primarily public and institutional ones ... In treating you in accordance with these norms, I confirm in your person the rights of humanity, and I have a legitimate claim to expect that you will do the same in relation to me. The moral categories that accompany such interactions are those of right, obligation, and entitlement; the corresponding moral feelings are those of respect, duty, worthiness, and dignity, and the vision of community is one of rights and entitlements.

The standpoint of the "concrete other," by contrast, requires us to view each and every rational being as an individual with a concrete history, identity, and affective-emotional constitution. In assuming this standpoint, we abstract from what constitutes our commonality and seek to understand the distinctiveness of the other. We seek to comprehend the needs of the other, their motivations, what they search for, and what they desire. Our relation to the other is governed by the norm of *complementary reciprocity*: each is entitled to expect and to assume from the other forms of behavior through which the other feels recognized and confirmed as a concrete, individual being with specific needs, talents, and capacities. Our differences in this case complement rather than exclude one another. The norms of our interaction are usually private, non-institutional ones. They are the norms of solidarity, friendship, love, and care. Such relations require in various ways that I do, and that you expect me to do in the face of your needs, more than would be required of me as a right-bearing person. In treating you in accordance with the norms of solidarity, friendship, love, and care, I confirm not only your *humanity* but your human *individuality*. The moral categories that accompany such interactions are those of responsibility, bonding, and sharing. The corresponding moral feelings are those of love, care, sympathy, and solidarity, and the vision of community is one of needs and solidarity (emphasis in original, 1986:340–341).

This, I believe, captures the essential tension underlying the provision of public services. On one hand, the bureaucratic system responsible for the systems of delivery concerns themselves with rights and entitlements. At the local level, more specifically the individuals providing the service, are expected by clients to treat them as unique individuals with unique needs. The tension arises out of the determination of public success and the criteria by which service providers are evaluated.

For example, in education, if the emphasis is on measuring student achievement on the basis of standardized norms, then the emphasis in the classroom becomes less individually centred and more group achievement oriented. The situation is obviously more complex. The point I wish to emphasize is the tension in policy discussions can be traced back to the tension between generalized rights and entitlements and concrete needs; between formal and complementary reciprocity.

The two practical issues regarding the legitimacy of policy intention are legitimacy and validity. When it comes to legitimacy, the question that should be asked is, "Who has the authority to determine the purposes and goals on which the policy is based?" In a democratic government system, under the rule of law, no government policy can be legitimate that does not have an explicit legal authority. Whether this is delegated through legislation to a minister or is covered under specific regulation, there must be a clear legal basis. As with most legislation, delegations of policy authority are subject to not only the vesting legislation, but also to other legislation paramount to the enabling legislation. Regarding validity, on the other hand, the question is, "What knowledge of and beliefs about society, individuals, and substantive area are used to justify the policy intent?" The key issue here is whether these underlying assumptions are explicit, therefore public and testable, or implicit and therefore untested assumptions.

The ethical issues regarding the intention component of policy are also related to legitimacy and validity. In terms of legitimacy, the question is, "Do the individuals or groups making decisions about policy have the legitimate authority to make those decisions?" Building on this, the validity question is whether the knowledge and beliefs used to make decisions are rationally justified. At this point, the notion of rationality is based on an informed consensus about the principles and values upon which the policy intent is formulated.

This requires a self-reflective awareness of the temporal continuity of policy and the social purposes to be served. The focus is on what should be, and requires public justification of the principles and values upon which policy is based. Knowledge should be emancipatory by distinguishing between real and ideological limits to individual growth, autonomy, and responsibility.

Critical social science is the methodology and provides the criterion of discourse for reaching rational consensus. It provides the process for developing the knowledge to go beyond habitual patterns of problem definition and solution.

### Action

As described previously, the action component identifies "what" the policy is to do and is the basis for defining the normative boundaries for specific action alternatives. I described this as a problem of the legitimacy of the normative basis for policy action. The normative basis includes the knowledge and beliefs that underlie the identification of what is and is not feasible and appropriate to do within the context of a particular policy intention. The normative basis affects policy implementation and the associated responsibility/accountability systems. The ethical issue here is also of two parts:

1. the rational justifiability of the normative basis used in policy action; and,
2. the legitimacy of those involved to exercise their normative assumptions.

The action component of policy requires a social understanding of the social and cultural interpersonal meanings that form the normative constraints for policy action. This component orients action to what is effectively feasible to accomplish and requires the identification of the legal and moral obligations and expectations within policy contexts. Interpretive, or

hermeneutic, science is the appropriate methodology for developing knowledge of the norm-conformative expectations governing interpersonal relations. This norm-conformative knowledge is the basis for the deontological criterion of acceptable norms that should be used to guide ethical practice in the establishment of the prescriptive normative basis for policy action.

The pragmatic issue is legitimacy, and in particular: *Who has the authority to determine what is and what is not feasible and appropriate to do within the context of the particular policy intention?* This determines the implementation decisions and the associated responsibility/accountability systems. The ethical issue is: *Do the individuals or groups making decisions about policy have the legitimate authority to make those decisions?* Which norms should guide implementation: government, professional, societal, community, village?

Validity is based on determining: *What knowledge of and beliefs about society and substantive area are used to justify actions?* Are they explicit, therefore public and testable, or are they implicit, and therefore untested assumptions? The ethical issue is: *Are the knowledge and beliefs used to make decisions rationally justified?* Are they explicit, therefore public and testable, or are they implicit, and therefore untested assumptions?

To address these issues, an understanding of social and cultural interpersonal meanings that form the constraints for policy action is required to identify what is effectively feasible to accomplish. This requires the identification of the legal and moral obligations and expectations with the policy context.

The qualitative, or interpretive, science is appropriate methodology to develop knowledge of the norm-conformative expectations governing interpersonal relationships. Norm-conformative knowledge is the basis for the deontological criterion of acceptable norms that guides the establishment of the prescriptive normative basis for policy action.

### Consequences

The third type of problem I described earlier can be described as a problem in the efficiency and effectiveness of achieving policy outcomes. As I stated, there are two functional dimensions to this problem. First is the selection of the specific actions used to realize the policy as an outcome. These specific actions produce both intended and unintended consequences. The ethical questions here are:

1. Was all available knowledge used in the selection of specific actions? and,
2. Are the costs minimized and the benefits maximized?

Second, there may be an evaluation of the policy outcome and the ethical issue here concerns the focus of the evaluation:

1. on the achievement of the policy intent; or,
2. on the achievement of the specific implementation objectives.



The *consequence* component includes both anticipated and actual outcomes. Anticipated consequences are the basis upon which specific implementation actions are selected, the "how" of implementing policy. Outcomes, both intended and unintended, are the actual consequences of how the policy was implemented, the "what happened," and ideally will mirror the intention.

The consequence component of policy requires:

(a) technical knowledge of cause and effect relationships strategically useful in accomplishing the policy intent within the prescribed normative limits for action as the basis for selecting efficient and effective policy actions. This aspect orients attention to instrumental action and empirical knowledge about predictable and controllable consequences of specific actions. The empirical-analytic sciences are the appropriate methodology for developing knowledge of objects and events as dependent and independent variables and the identification of causal relationships. This predictive knowledge is the basis for the consequentialist criterion of maximizing desired consequences that should be used to guide ethical practice in the selection of strategic policy action.

and,

(b) empirical knowledge of the outcomes of policy in specific cases as the basis for evaluating the congruency between policy intention and policy outcome. This aspect orients attention to describing what actually occurred in terms of the intended outcomes. The empirical-analytic sciences are the appropriate methodology for developing knowledge about the outcomes of policy as the basis for the consequentialist criterion of maximizing desired consequences that should be used to guide ethical practice in the evaluation of policy outcomes. Consequences includes both anticipated and actual outcomes:

- Anticipated outcomes are the basis on which specific implementation actions are selected, the "how."
- Actual outcomes, both intended and unintended, are the actual consequences of how the policy was implemented, the "what happened," and will ideally mirror the intention.

#### *Consequences–Anticipated Outcomes*

The issue of legitimacy focuses on the selection of the specific actions used to realize the policy as an outcome. Was all available knowledge used in the selection of specific actions? Are the costs minimized and the benefits maximized within the fiscal and time constraints? Are potential unintended undesirable outcomes anticipated and mitigated?

The issue of validity asks: *What knowledge of and beliefs about potential policy recipients and substantive areas are used to justify selecting specific actions?* Are they explicit, therefore public and testable, or are they implicit, and therefore untested assumptions?

The knowledge required is technical knowledge of cause and effect relationships strategically useful in accomplishing the policy intent. Knowledge is applied within the prescribed normative limits for action as the basis for selecting efficient and effective policy actions. It orients

attention to instrumental action and empirical knowledge about predictable and controllable consequences of specific actions.

Empirical-analytic sciences are the appropriate methodology for developing knowledge of objects and events as dependent and independent variables and the identification of causal relationships. This predictive knowledge is the basis for the consequentialist criterion of maximizing desired consequences used to guide selection of strategic policy action.

### *Consequences—Actual Outcomes*

The pragmatic legitimacy issue here is: *In evaluating both the efficiency and effectiveness of policy implementation, who should have the authoritative voice as to what actually happened?* Policy recipients are the authoritative voice for what actually emerged as an outcome—or the effectiveness of the policy as implemented meeting the intent. Policy evaluators and implementers are responsible for the efficiency of achieving outcomes. All involved are affected by unintended outcomes. The validity issue is whether all outcomes, both intended and unintended, are considered.

Knowledge required is empirical knowledge of the outcomes of policy actions in specific cases as the basis for evaluating the congruency between policy intention and policy outcome. Attention is focused on describing what actually occurred in terms of both intended and unintended consequences.

The empirical-analytic sciences are the appropriate methodology for developing knowledge about the outcomes of policy actions. This knowledge is the basis for the evaluating policy outcomes in terms of the consequentialist criterion of maximizing desired consequences.

## INTEGRATION AND APPLICATION

The following discussion of technical, practical, and emancipatory interests attempts to pull together the linkages among interests, knowledge claims, scientific rationality, communicative rationality, and legitimacy. The majority of the linkages were outlined in the previous discussion. The focus of this discussion is on the integration of these areas as they relate to the public policy perspective proposed. To this end, the thrust of the discussion is to more fully describe the underlying conception of rationality. This discussion is used to identify the particular rationality appropriate to each interest and to justify a specific ethical criterion for each dimension of the policy process. There is some duplication of and expansion of points made previously in order to have a comprehensive presentation.

### *Technical Interests*

People's technical interests are reflected in the need to control and manipulate their external environment to satisfy their needs for shelter, food, and so on (Bullough and Goldstein 1984:144). These interests, expressed through the medium of work, focus on material production necessary for our existence (Hoffman, 1987:235). The rationality integrating technical interests, work, and empirical-analytic science is instrumental rationality.

Instrumental rationality refers to:

1. manipulation and control of the environment;
2. prediction about observable physical or social events;
3. reality based on empirical knowledge governed by technical rules; and,
4. criterion of effective control of reality determining appropriateness of action (Mezirow, 1981:4).

Carr and Kemmis describe this form of knowledge as "scientific explanation" (1986:134) that is necessary for modern industry and production processes. Instrumentally rational actions are goal-directed, feedback-controlled interventions in a presumed objective world. Habermas's criticism is that the instrumental rationality, inherent in this knowledge-constitutive interest, has become a pervasive ideology. It is ideological when instrumental rationality is applied, without valid proof, as the criterion for all forms and realms of knowledge. The end result is the reduction of "moral, aesthetic, public and political issues to technical problems: why and what are reduced to how" (Bullough and Goldstein, 1984:145).

Bowers (1980) links the pervasive use of instrumental rationality to Habermas's legitimation crisis. The application of rational planning to all areas of social life creates a legitimation crisis by making instrumental rationality "the only legitimate mode of thought" (1980:311). Bates more correctly, I believe, identifies this as a crisis of rationality in that "the only criterion available for the evaluation of governmental/administrative actions is their ability to provide technical, rational, scientific solutions to administrative problems" (1982:5). Problems that defy instrumentally rational administrative solutions produce a rationality deficit that leads to a legitimation crisis. Both Bowers and Bates appear to assume that bureaucratic systems are

necessarily instrumentally oriented. In an earlier article, Bowers summarizes the key elements of instrumental rationality as:

"As Peter Berger et al. point out in *The Homeless Mind*, technological production has structured consciousness to think in terms of *mechanistic* (seeing the work process as tied to a machine process), *reproducibility* (no action in the work process is unique but must be reproducible), *measurability* (the individual's activities can be evaluated in quantifiable terms), *componentiality* (everything is analyzable into constituent components that are seen as interdependent), *problem solving inventiveness* (a tinkering attitude toward areas of experience that can be dealt with in terms of technological solutions), and the *self-anonymization* of the worker (learning to divide the self into component parts, and to accept the human engineering process that organizes the self in terms of technological functions)" (1977:36–37).

This description captures the essential components of an instrumental approach that, while appropriate to technological systems, is inappropriate to social processes. People are not machines.

The empirical-analytic or natural sciences are the scientific methodologies that produce technically useful knowledge. The emphasis on prediction and control of objectified processes directly relates to technical interests. The philosophical basis for this form of knowledge is positivism. Positivism claims that valid knowledge can only be established by reference to external reality as experienced by the senses. This approach is based on the ontological presupposition of the objective world "as the sum total of what is the case and clarifies the conditions of rational behavior on this basis" (Habermas, 1984:11). *Since value judgments are not directly experienced by the senses, value judgments cannot be valid knowledge under this form of knowing.*

The dependence on external reality leads to the hypothetico-deductive method for science in which knowledge claims must stand or fall by the results of observation and experiment. This orientation to knowledge is not concerned with how hypotheses originate or the motives of those who propose them but only with how they are validated.

The instrumental rationality underlying empirical-analytic sciences treats social processes as a set of means to given ends. The role of policy relevant research under this form of science is to evaluate the efficiency with which established goals are achieved. A logical extension of this form of rationality, for example, is to view teaching as a skilled craft based on technical expertise. The constraints to students' learning, located in physical, psychological, or socio-economic factors as causes of inadequacy supposedly can be dealt with by the application of the appropriate technique.

The instrumental view of education leads to the view that education can be improved by gaining a more complete mapping of the cause and effect relationships in education. The application of instrumental rationality is demonstrated by: behaviour modification and competency based education, emphasis on control and conformity and standardized curriculum

packages, and the dependency on standardized test scores as proof of public success or failure. This latter application proceeds without questioning whether the tests represent the aims society wants schools to pursue. As a consequence, public issues become defined as simply technical problems, and public reforms are directed to surpassing the national norm. In the process, public discussion about the fundamental social purpose of education never occurs, being replaced by test scores.

From the instrumental perspective, teaching becomes the management of standardized ends and means; learning becomes the consumption of prepackaged bits of information and parts of skills; and success is teachers and students doing as directed. With student achievement as the objective, the instrumental approach focuses on tools, resources, environments, techniques, teachers, and students as means to that given end. Education systems are viewed as forms of the input-output model where resources and raw materials go in one end and the finished product, an achieving, "educated" student, comes out the other. Within this schema, problems with student achievement, literacy, numeracy, and behaviour are viewed as blockages in the delivery system caused by inappropriate teacher behaviours, student inadequacies and/or inefficient resource use.

The empirical-analytic sciences have the ideals of explanation, prediction, and control. The emphasis is on external reality and verification as establishing agreement concerning the results of observations and experiments in light of predictions. Within this approach, individual action is not the result of a subjective reflective consciousness, but rather is always regarded as something governed by invariant functional laws that operate beyond the individual actors' personal control. Notice how this inevitably reduces personal responsibility or accountability for actions and choices. It in effect dehumanizes individuals by making them into passive, rather than active, actors in life choices.

The purpose of this form of knowing is to discover law-like regularities to apply to public practice to improve efficiency. Fischer describes the focus of this approach as on "the nonsubjective (observable) side of human behavior, the goal of behavioral science methodology is to uncover the empirical causes and effects that govern and explain behavior and to organize them into lawlike factual statements subject to verification by objective observers" (1986:19). The capacity of this form of science to develop "propositional knowledge is the basis for the belief that the social sciences can generate reliable empirical data for solving societal difficulties" (Fischer, 1986:20).

Habermas's criticism of the use of instrumental reason is based on two lines of argument. One line of argument is the criticism of the use of instrumental reason, despite its limitations, as the criterion for all forms of knowledge. Instrumental reason categorically rejects that values can be rationally determined although it is itself based on the presumption of the values of effectiveness and efficiency. The second line of argument focuses on the actual universality of the lawlike relationships reported. Habermas distinguishes between invariant cause and effect relationships that will always, and in all situations, be true and cause and effect relationships that exist because of social factors and conditions that are changeable.

For example, the effect of gravity, seen when my pen rolls off my desk and falls to the floor, is the same regardless of which desk, which pen, and which office on earth this incident happens. The only consciousness involved is the observer. However, the same invariant regularity rarely occurs in social contexts in which conscious human thinking subjects act. Sergioivanni describes the contrast as:

Traditional science aims to discover ... laws and to test them by predicting natural behavior ... Except for instinctive and other low-level functioning, humans do not behave; they *act*. Actions differ from behavior in that they are born of preconceptions, assumptions, and motives. Actions have meaning in the sense that as preconditions change, meanings change regardless of the sameness of recorded behavior (emphasis in original, 1984:3).

In social situations, it does matter which individual acts in which context in which environment. Human actions are constrained by physical, social, and subjective factors, but are not determined to the same extent as the relationship of the rolling pen, the desk and the floor. Habermas's distinction of the objective, social, and subjective worlds as contexts for human knowledge and action makes the same point.

It is important to recognize that while Habermas criticizes empirical-analytic sciences and instrumental rationality, Habermas does not reject this form of knowledge, only its universal application. The empirical-analytic sciences can describe relationships in social situations and provide information on what is likely to occur given certain well-defined preconditions. Therefore, instrumental reason provides probabilistic knowledge as to likely effects produced by a policy action in a given situation.

For example, when I forecasted post-secondary enrolments, I could predict within one percent the number of freshmen that would enrol in universities the subsequent year. I could not tell specifically which particular individuals in the high school graduating class would enrol. If I had complete information of each individual in the high school graduating class, I could have developed probabilistic statements for each individual, but likely there still would be no universal law that I would discover to determine which ones would definitely attend university. However, the forecasts were useful inputs into the budgetary and facility planning processes for the university system. Probable impacts on enrolment of changing tuition fee policies integrated my forecasts with reported impacts recorded in other post-secondary systems. While each individual made his or her own decision about enrolling in university, this approach provided a necessary analytic perspective on the potential consequence of policy alternatives. Criticisms of the forecasts rested on technical grounds, not on whether raising tuition fees or anticipated levels of enrolment were "good" or "bad." Similarly, the impact of economic cycles was systematically analyzed to identify the macro-level effects on enrolment of sudden growth or recession. While each individual made his or her unique decision about enrolling in university, the cumulative impact of all of these unique decisions was estimable.

While the instrumental approach treats individuals as behaving subjects, it is clear that in reality

humans act and make conscious decisions that are not determined for all individuals at all times in all situations. However, the categorical rejection of instrumental reason as a valid, though limited, form of knowing, is as incorrect as the proposition that it is the only valid form of knowing. It is one thing to view situational constraints, such as economic recession and enrolment decisions, as inputs to developing probabilistic propositions of relationships of cause and effect, and entirely another to view these situational constraints as fixed and immutable. Changing the constraints changes the probabilities, and instrumental reasoning is most useful in providing consequent scenarios for alternative policy actions within defined situations.

The position I am advancing is not radical. Empirical knowledge and causal models are necessary in public policy practice, but are not the only form of knowledge required. Knowledge about demographics, current and anticipated economic conditions, student achievement, and the internal student, teacher, facility, and operational expenditures of the public system are important sources of information describing the policy context for policy-makers. Similarly, summaries of media reports of public issues, analysis of public debates, and opinion polls all provide additional perspectives on the policy context. These sources of information are the basis for developing probabilistic statements about the level of public demand, budgetary impacts, and potential outcomes of policy initiatives. In addition, reports on the results of policy initiatives in other public systems are important sources of empirical knowledge of the consequences of specific policy actions. Causal models provide information about the potential effects of particular policy alternatives based on established interrelationships amongst policy variables.

The criterion for empirical knowledge is that it be a true assertion about the objective physical or social world. The truth of the assertion is based on the rationality of the empirical-analytic sciences that the assertion:

1. be analytically coherent; and
2. stand up to scientific discourse—the examination of evidence collected in relevant contexts.

Debates about the validity of empirical knowledge should conform to the norms set out in the discussion of communicative ethics.

Rational action within this paradigm consists of making objectively justifiable statements, acting efficiently, and learning from past mistakes (Roderick, 1986). Within the limits of the capacity of instrumental rationality to predict and/or control human actions, I would add the capacity to anticipate probable consequences of alternative policy actions. The values of efficiency and effectiveness that undergird this approach are consistent with a consequentialist, or utilitarian, ethical principle.<sup>43</sup>

---

<sup>43</sup> The discussion of consequentialism and deontological ethical positions is based on Ken Winston's 1986 discussion of these perspectives in Ethics in Government Kennedy School Government course. Much of planning consists of balancing these two values. For example, it is possible to reduce traffic accidents to virtually zero (very effective) by reducing traffic speed to 10 km per hour (very inefficient from the whole society's perspective). Although it is never stated in this blunt manner, one would have to conclude that in the US, just over 100 traffic fatalities per day

Consequentialism views that an act is right if and only if it will maximize, or is likely to maximize, good consequences. In practice, when a policy-maker calculates the costs and benefits of adopting a particular policy action and acts in such a manner as to maximize the benefits, he or she is following the utilitarian principle. However, there are two forms of the utilitarian principle. One form is act-utilitarianism, which holds that an act is right when and only when it will maximize, or is likely to maximize, the greatest good for the greatest number of people. The other form is rule-utilitarianism, which holds that an act is right when and only when it follows a rule that the following of which is in accordance with maximizing the greatest good for the greatest number of people. Implicit in either form of utilitarianism is the assumption "that all values are commensurable and may be measured on a single scale" (Winston, 1986).

My position is that rule-utilitarianism is the appropriate form of consequentialism to use in the discourse selecting specific actions used to realize the policy as an outcome. Act-utilitarianism is the appropriate form of consequentialism to use in policy discourse and analysis that evaluates the achievement of the policy intent in particular cases. Habermas, by describing rational instrumental action as that which achieves the goal-directed intention of the intervention, is consistent with the utilitarian ethical principles proposed. Habermas explicitly describes this category of communicative action "in utilitarian terms; the actor is supposed to choose and calculate means and ends from the standpoint of maximizing utility or expectations of utility" (1984:85).

Instrumental reasoning, by eschewing values as rationally discussable within its rational framework, is incapable of identifying which social values should or should not be pursued—although the technical values of efficiency and effectiveness are implicitly assumed. In two opinion columns in *USA Today* on November 29, 1987, the argument was presented that sending food to Ethiopia was the wrong thing to do because it prevents the reduction of the population down to the level supportable by the existing agricultural system and supports a Marxist regime. From a utilitarian perspective, this may be a rational argument, but I believe it demonstrates the necessity of bounding the value framework within which instrumental rationality and the utilitarian ethic is applied.

This is not a retreat to rule-utilitarianism. It merely identifies the need for a normative framework within which act-utilitarianism is applied. Fischer argues that the best course of action is not the most efficient and effective course to achieve the desired ends, but it is the course of action supported by the best reasons (1986:89). In public policy, this is particularly true. Public policy decisions are not simply instrumental. They occur within a background of political, professional, and public interests, and the most efficient way may not be permitted. The limitations on applying instrumental knowledge in public policy are moral constraints. The blanket use of technocratic models in public policy tends to obscure for the policy developer

---

has been determined to be an acceptable cost for our speed of transporting goods and people.



the fact that he or she is making profound ethical decisions about a group of other human beings. For the bounding of the application of instrumental reason within a larger normative framework, Habermas's description of practical interests provides a necessary framework for including these moral constraints in the policy process.

### *Practical Interests*

People's practical interests are reflected in their use of language to further mutual understanding of individual interests and needs, and to coordinate social action to satisfy mutual interests and needs. Practical knowledge consists of the norms that form the common tradition underlying society and "provides the basis for the mutual understanding of intentions and actions" (Hoffman, 1987:235). This form of knowledge is based on our desire to understand and be understood. The central core of this form of knowledge is the understanding of the subjective meaning of language and action in the acting individuals and not merely the observation of observable events. Hoffman concisely summarizes both the interest and the practical aspect of this form of knowledge.

Humanity has a practical cognitive interest, an interest in maintaining and expanding communication, because we must communicate with each other through the use of inter-subjectively understood symbols within the context of rule-governed institutions. It is practical in the sense that it clarifies the conditions for communication and interaction (1987:235).

The appropriate scientific methodology for this form of knowledge is described as the interpretive and hermeneutic sciences. These sciences approach knowledge by focusing on the development of inter-subjective meaning based on consensual norms and expectations. This approach necessarily presumes the existence of an objective world and other people, since meanings and consensual norms derive out of our common interpretations of the objective world through our social interactions with it and each other through language. Our development of language, and its implicit rules and ethic, is intimately linked to social interaction and developing a common understanding of the objective world. Mezirow describes the proper methodology for this type of science not as establishing causality, but rather as a systematic inquiry with the objective of understanding meaning (1981:5).

From this perspective, public aims are not end states, but criteria for the process of policy as a social activity. This perspective recognizes that public policy takes place in complex social situations that are too fluid to permit systemization. What little control is possible is only possible through the wise decision-making of practitioners. The reason is that public ends are not clear and definite, nor are the techniques to achieve ends definitive. Public practice requires professional judgement guided by the criteria established for the process itself. Criteria are based on experience and learning, which distinguish public processes from non-public processes and which separate good from indifferent or bad practice. The public process is seen as iterative, not as a craft, but as a practice that is guided by complex, sometimes competing intentions, that are modified in light of the circumstances.

The philosophical orientation supporting this form of knowledge is phenomenology with its focus on understanding meaning and action. The interpretive and hermeneutic sciences derived from this tradition attempt "to render facts understandable by interpreting them in light of relevant goals and values" (Fischer, 1986:31).

This approach develops social knowledge that is the product of common sense or everyday interpretations of social reality that is shared within the society. These common interpretations, when combined with the social actor's personal experience, form "an orientation toward the everyday world that is 'taken for granted'" (Fischer, 1986:32). Social reality becomes "objective" only to the extent that members of the society "define it as such and orient themselves towards the reality so defined" (Carr and Kemmis, 1986:84).

The focus of the interpretive process is on the social actors' meaning for their actions that are presumed to be teleological—purposeful goal directed actions. In contrast to the empirical-analytic emphasis on observation:

... actions cannot be observed in the same way as natural objects. They can only be interpreted by reference to the actor's motives, intentions or purposes in performing the action. To identify these motives and intentions correctly is to grasp the 'subjective meaning' the action has to the actor (Carr and Kemmis, 1986:88).

However, to describe human actions as meaningful requires more than just the intention of the individual actor, because social actions are public, not private, phenomena. Actions must also be meaningful and understandable to other participants within a social context. Carr and Kemmis use the example of teaching as an action that can be viewed as the meaningful intention of the actor, but also to be described as teaching by others "is to implicitly appeal to a background of rules operative in a particular society that specify what is to count as teaching" (1986:89). In effect, for someone to engage in an action one defines as teaching in a cultural context that has no operative background set of rules or language to describe teaching would render one's actions unintelligible to members of that culture.

The position I am advancing is that the interpretive approach provides practical knowledge about how actions are interpreted and understood. This knowledge can enlighten policy practitioners by:

1. revealing the contextual social rules and assumptions that underlie their actions;
2. identifying the social norms and expectations bounding the range of acceptable policy actions; and,
3. revealing how their actions are or will be perceived by other participants in the policy process.

Descriptive knowledge about the social context for policy that is derived from needs assessments, professional norms, political priorities, stakeholder interests, and legal-judicial mandates and limits is essential for defining the context and expectations bounding policy action. The criterion for descriptive knowledge is the rightness of the interpretations of the

underlying social norms and assumptions bounding and reflected in the action. To be right, the interpretation "must be *authentic* for the individuals involved and *communicable* within the group (that is, that they are mutually comprehensible)" (Carr and Kemmis, 1986:147).

Rational action within this paradigm is described as:

1. justifying actions with reference to established norms;
2. acting prudently in situations of normative conflict; and,
3. judging disputes from a moral point of view oriented to consensus.

The emphasis on existing social norms and expectations is consistent with a deontological ethical principle. Deontology is the position that "there are some features of acts beyond their consequences that make them right or wrong" (Winston, 1986). From this perspective, certain acts must, or must not, be done regardless of the consequences.

For example, the provision of public services to children with multiple handicaps is expensive. However, within a society that holds universal public education as a right of all children, the denial of public services to these children, regardless of the cost savings, is not an acceptable alternative.

While there are many forms of deontology, the particular perspective I wish to use is the social framework of normative constraints bounding public practice. These are not simply rules. This normative framework includes:

1. individual and societal expectations;
2. norms prescribing acceptable public practice; and,
3. the normative legal-juridical constraints specifying individual and societal rights in the society.

Not all of these positions are commensurable, and normative positions held by individuals and/or groups involved with an interest in any particular public policy may be conflicting.

This position is consistent with the description by Habermas that:

The concept of *normatively regulated action* does not refer to the behavior of basically solitary actors who come upon other actors in their environment, but to members of a social group who orient their action to common values. The individual actor complies with (or violates) a norm when in a given situation the conditions are present to which the norm has application. Norms express an agreement that obtains in a social group. All members of a group for whom a given norm has validity may expect of one another that in certain situations they will carry out (or abstain from) the actions commanded (or proscribed). The central concept of *complying with a norm* means fulfilling a generalized expectation of behavior. The latter does not have the cognitive sense of expecting a predicted event, but the normative sense that members are *entitled* to expect a certain behavior" (emphasis in original, 1984:85).

This places Habermas's perspective of valid practical knowledge as consistent with the

deontological ethical criterion I have described. More specific to assessing the rationality or ethicalness of practical action, Habermas states:

In normatively regulated actions the actor, by entering into an interpersonal relation, takes up a relation to something in the social world. An actor's behavior is subjectively 'right' (in the sense of normative rightness) if he sincerely believes himself to be following an existing norm of action; his behavior is objectively 'right' if the norm in question is in fact regarded as justified among those to whom it applies" (1984:104).

For example, working on a project in Lesotho, at the same time as China was working on infrastructure projects, I was warned in advance by my project partner that the notion of queuing up as a form of taking turns was not a feature of Chinese culture. At the buffet that evening I found that out and was most disconcerted. This is an interesting example, because I had an expectation of how people would behave, as did the Chinese people, and both, in our own minds was subjectively "right." However, my expectation to not be jostled, elbowed, and pushed aside certainly was not accepted by the people doing it. If I were in Canada, I believe my behaviour would be seen as "right," and the jostlers and pushers seen as "not right." In Lesotho, I am not so sure. What this also raises is what and how large is the referent group? If it is just those in attendance at the buffet, then it would not matter in what country this happened, as the notion of queuing would not be accepted by those to whom I wish it to apply.

Habermas criticizes the interpretive approach as too dependent on the subjective understandings of the individuals involved, which may themselves be the result of distorted social and self-knowledge. The interpretive approach tends "to fall victim to every deception and self-deception of the people one is studying" (Fischer, 1986:38).

It is entirely possible that social reality reflected in the norms, expectations, and understandings of action can be both meaningful to its members and totally false. The interpretive approach attends to the subjective meaningfulness of social reality, but does not deal with the distorted knowledge that may produce that social reality. The fact that people in some cultures firmly believe that a Sun God drives a chariot across the sky each day and that belief is both sincerely held and very important to them does not gloss over the fact that while it may be very meaningful it is not factual.

At another level, the interpretive view sees social conflict as "the manifestation of people's misunderstandings of the meaning of either their own or other's actions, and are overcome by revealing to those involved the faulty ideas and beliefs that they have" (Carr and Kemmis, 1986:98). In effect, this view interprets social conflict as conflicting interpretations of social reality rather than as contradictions in the rationality of the social reality. This predisposes the interpretive approach to "reconciling people to their existing social reality" (Carr and Kemmis, 1986:98), rather than transforming that social reality through coordinated social action.

The objectification of social reality, based on mistaken beliefs in the objectiveness of social reality, leads to the assumption that social reality is not changeable by social actors. This is

reflected in the truism that "you can't fight city hall." This is the reification of social institutions or the assumption that the "taken for grantedness" of social reality is fixed and immutable. In part, this reification is a form of the instrumental belief in fixed laws of cause and effect reflected in the social world. Human action is viewed as determined or determinable based on the subjective objectification of the social world.

For example, returning to when I was a teaching fellow for an undergraduate education course and one of the students in my section was an Indigenous female from a northern reserve. She related that the social reality on her reserve was that Indigenous people, let alone Indigenous females, did not go to university. When she returned to her reserve over the Christmas break, she was, in her words, "treated like a white person," although, until entering university, she had lived her whole life on the reserve. She reported receiving a similarly ambiguous response from the white townspeople. In effect, by attending university, she had challenged the taken-for-granted roles of both female and Indigenous. Her own community, to preserve their social reality, had effectively defined her as a non-Indian. This example also indicates that:

Social reality is not simply something that is structured and sustained by the interpretations of individuals—it also determines the kind of interpretations of reality that are appropriate for a particular group of individuals to possess. Social structure, as well as being the *product* of the meanings and actions of individuals, itself *produces* particular meanings, ensures their continuing existence, and thereby limits the kind of actions that it is reasonable for individuals to perform (Carr and Kemmis, 1986:95).

The critical point is that as individuals, each of us is both a product and a transformer of the culture in which we live. Policy action similarly occurs within a background of cultural meanings, but it also shapes future meanings (Scheffler, 1985).

The emphasis on socially constructed meaning in practical interests makes a conception of culture essential to this discussion. In turn, the conception of culture presented must deal with the formation of meaning and ideologies to lay the ground for a critical approach to practical knowledge.

### Culture

Each individual, while a member of a culture, is not fully representative of the culture in which he or she lives. No one person encompasses the totality of a culture, although the process of enculturation is a dialectic in that each—the culture and the individual—is transformed by the process.

The individual, by being enculturated from infancy to adulthood, is most appreciably transformed. However, in two critical dimensions both the individual and culture are alike:

1. both the individual and the culture share a worldview that, while not identical, is the result of assumptions and beliefs about reality; and,
2. both the individual and the culture are reluctant and resistant to changing assumptions and beliefs even in the face of clearly maladaptive, conflicting, or ineffective traditional

responses to social, political, economic or technological change.

Every culture has a symbolic pattern of basic beliefs which provides those who accept these beliefs with cultural membership and the resulting security, significance, and a worldview (Brameld, 1971; Habermas, 1984 refers to this as "lifeworld").

Brameld describes culture as having patterns of:

1. order—definite patterns of relationships;
2. process—dynamic interactions within and outside of the culture; and,
3. goals—values and a sense of direction and purpose.

Beliefs are the necessary symbolic counterpart to these cultural patterns and express: beliefs about reality (ontological positions), beliefs about knowledge/truth (epistemological positions), and beliefs about what is valued and meaningful (axiological positions). An alternative way of looking at beliefs is provided by Holstein (1974), who describes them as our common name for data (reality), propositions (knowledge), and theories (meaning) of everyday life. From this perspective, politics, science, and religion are processes of systematizing beliefs for the purpose of facilitating individual choice-making amongst competing alternative actions in terms of some postulated ultimate criterion. Essentially, beliefs create decision algorithms activated by particular circumstances.

These processes are, in fact, ideologies that serve to provide relatively simple evaluation and decision rules for practical use in the context of everyday life. These ideologies provide correspondence rules (it is wrong to kill another person) with a decision algorithm (except in defence of self or nation) phrased in generalizable form that produces a decision. Ideologies provide a means to stop doubting, thinking, or hesitating at a given "ultimate" point. Undergirding the ideology is the system of beliefs described by Brameld that, in ideal situations, form a coherent set of mutually logically consistent beliefs.

Accepting Festinger's (1962) premise that each individual strives to cognitive consonance, defined as logically consistent beliefs, it is clear that it is easier to develop a coherent and consistent belief system that simply ignores major aspects of reality than it is to achieve a comprehensive ideology that includes beliefs on all aspects of reality. The most comprehensive ideology or theory of reality that an individual develops is his or her worldview. This worldview is both descriptive (how the world is) and normative (how the world should be).

Underlying this conception of worldview is the proposition that belief systems are hierarchic systems in which subsystems of data, propositions, and theories about reality are connected in a hierarchical manner. From this perspective, practical knowledge is any belief that the negation of which implies that essential parts of the worldview are also negated. Disruption to beliefs, or disconfirmation of knowledge, at the higher levels of aggregation, particularly where the hierarchical system at its apex defines a normative standard, are more severe simply because of the range of impact through propagation of effect than disruptions at lower, simpler levels.

Whether beliefs are viewed as cultural patterns, hierarchically structured theories of reality (ideologies), or as a means of categorizing salient aspects of reality for ease of decision-making, the crisis pressure of change causes disequilibrium. Ideologies outline the image of the good society; they indicate the types of means appropriate to achieving that end and, to the extent they are socially shared, they function as a means for social control. The force of change on a society can isolate an individual or group from the strength of historical ideologies without adequately providing an equally powerful alternative.

For example, among the Kipsigis tribe in Kenya there are strong cultural taboos governing sexual conduct, and prostitution was historically unknown.<sup>44</sup> Movement by tribal members into urban settings changed not only their environmental context, but also the patterns of custom to the extent that some of the original taboos lost their controlling power. For some, prostitution became a way of life, demonstrating the breakdown of the controlling power of traditional customs. It is questionable as to whether the alternate belief structure had the coherency and comprehensiveness of the traditional patterns.

The categorical rejection of social reality, as constructed and defined by participants in the policy context of interest, is as erroneous as the uncritical acceptance of the social reality so defined. Several problems emerge in both cases.

By rejecting knowledge about the construction of social reality, information about the normative constraints existing within the policy context, as determined by the participants, ignores the impact on policy of the decisions and actions taken by the participants upon whom the success or failure of the policy will rest. While an instrumental approach to policy will involve the clear delineation of roles, tasks, and acceptable behaviours, this approach fails to recognize that human action is the result of decisions made on the basis of the individual's normative framework in the specific situation.

However, to uncritically accept the definition of social reality—as defined by participants—brings two problems. The first problem is that not all participants will have identical perspectives on social reality, let alone on the meaning of the proposed policy action in the policy context. Trying to accommodate all subjective meanings in a policy context will lead to what Petrie (1984) calls "pluralistic paralysis."<sup>45</sup> While each subjective interpretation of social reality may be equally meaningful, they may not be equally valid, and a critical approach is required to identify the adequacy of the meanings underlying conflicting interpretations of social reality. The second problem is that even if all of the participants in a policy context share a common normative framework, consensus may be based on distorted knowledge.

---

<sup>44</sup> This example is based on my experiences while living and teaching in Kenya and discussions with male Kipsigis tribal members.

<sup>45</sup> This is just a wonderful term, as it captures what happens when there are so many competing demands in an environment where each and every one is treated as being equal, and that all must be taken into account. A decision is virtually impossible, and paralysis ensues.

Habermas rejects the grounding of social science on the foundation of subjective meaning, since that very subjective meaning may itself be ideologically distorted. There is a key linkage between this form of knowledge and communicative action that necessitates the recognition and removal of distorting constraints on communication.

### *Emancipation*

People's emancipatory interests are reflected in our: "drive to transcend, to grow and to develop" (Bullough and Goldstein, 1984:144), interest in self-knowledge through self-reflection leading to knowledge of how our past influences our current state (Mezirow, 1981:5), and interest in freedom and relational autonomy (Carr and Kemmis, 1986:136). Mezirow provides a comprehensive statement on emancipatory interests and critical social science:

Emancipation is from libidinal, institutional or environmental forces which limit our options and rational control over our lives but have been taken for granted as beyond human control. Insights gained through critical self-awareness are emancipatory in the sense that at least one can recognize the correct reasons for his or her problems. ... Habermas turns to the "critical social sciences" to find the mode of inquiry based epistemologically in emancipatory cognitive interest. Critical social sciences have the goal of critique. They attempt "... to determine when theoretical statements grasp invariant regularities of social action as such and when they express ideological frozen relations of dependence that can in principle be transformed" (Habermas, 1971:310). Examples of critical science are psychoanalysis and the critique of ideology ... one must become critically conscious of how an ideology reflects and distorts moral, social and political reality and what material and psychological factors influence and sustain the false consciousness which it represents. ... Dramatic personal and social change becomes possible by becoming aware of the way ideologies—sexual, racial, religious, public, occupational, political, economic and technological—have created or contributed to our dependency on reified powers (1981:5,6).

The key element in emancipation is people's capacity to achieve freedom from self-imposed constraints, reified social forces and institutions, and conditions of distorted communication (Roderick, 1986:56). As discussed earlier, this capacity is based on the person's potential to act rationally, and to be self-determining and self-reflective.

Also, as stated earlier, the critique of ideology is required to recognize historical forms of domination, repression, and ideological constraints on thought and action within society. The critique of knowledge is required to overcome the limitations to self-knowledge based on the internalization of social constraints. The philosophical position underlying this approach is critical theory. Critical theory, while not rejecting natural science and hermeneutics as legitimate scientific methodologies, is critical of each as being incomplete methodologies. The empirical-analytic and qualitative sciences are also theoretically incomplete in the sense of their



inability to create the conditions for the full realization of human potential.

### *CONCLUDING COMMENTS*

This section presented the theoretical basis upon which the ethical approach to policy presented in outline form in the beginning is based. The work of Jürgen Habermas in knowledge-constitutive interests, communicative action, and legitimation crisis was presented within his overall framework of comprehensive rationality. The presentation of his work was elaborated by reviewing the use of his concepts in the public literature to contextualize his concepts from an public perspective. The detailed discussion of interests provided the means to link technical interests with the consequence component of policy, practical interests with the action component of policy, and emancipatory interests with the intention component of policy. Within each interest-policy component discussion, the examination of the appropriate scientific methodology, philosophical base, and specific rationality provided the basis for proposing an ethical criterion specific to each policy and interest linkage.

Critical social science was presented as the appropriate approach because it:

1. integrates empirical-analytic, interpretive, and critical sciences into a comprehensive approach to policy;
2. accepts that rational argumentation within each scientific approach is valid within its paradigm and is oriented to different components of the policy process; and,
3. is based on a communicative ethic that is fundamentally democratic.

In summary form, the linkages among interests, knowledge, policy criterion, and ethical criterion are:

1. The intention component of policy requires a self-reflective awareness of the temporal continuity of policy and the social purposes to be served by policy. This component orients action to what should be, and requires public justification of the principles and values upon which policy is based. Critical social science is the appropriate methodology for developing the knowledge required to go beyond habitual patterns of problem definition and solution in this component. The knowledge produced should be emancipatory by distinguishing between real and ideological limits to individual growth, autonomy, and responsibility. Further, critical science provides the criterion of discourse as a process for reaching rational consensus and as the basis for guiding ethical practice in the establishment of the intention of policy.

2. The action component of policy requires a social understanding of the social and cultural interpersonal meanings that form the normative constraints for policy action. This component orients action to what is effectively feasible to accomplish, and requires the identification of the legal and moral obligations and

expectations within policy contexts. Interpretive, or hermeneutic, science is the appropriate methodology for developing knowledge of the norm-conformative expectations governing interpersonal relations. This norm-conformative knowledge is the basis for the deontological criterion of acceptable norms that should be used to guide ethical practice in the establishment of the prescriptive normative basis for policy action.

3. The consequence component of policy requires:

(a) technical knowledge of cause and effect relationships strategically useful in accomplishing the policy intent within the prescribed normative limits for action as the basis for selecting efficient and effective policy actions. This aspect orients attention to instrumental action and empirical knowledge about predictable and controllable consequences of specific actions. The empirical-analytic sciences are the appropriate methodology for developing knowledge of objects and events as dependent and independent variables and the identification of causal relationships. This predictive knowledge is the basis for the consequentialist criterion of maximizing desired consequences that should be used to guide ethical practice in the selection of strategic policy action.

and,

(b) empirical knowledge of the outcomes of policy in specific cases as the basis for evaluating the congruency between policy intention and policy outcome. This aspect orients attention to describing what actually occurred in terms of the intended outcomes. The empirical-analytic sciences are the appropriate methodology for developing knowledge about the outcomes of policy as the basis for the consequentialist criterion of maximizing desired consequences that should be used to guide ethical practice in the evaluation of policy outcomes.

However, as identified, critical social science is process oriented and does not provide the statements of purposes and values, with associated principles of action, required by Scheffler's model of practical theory. My concern is that the only limits imposed on critical social science are internal to the process itself. I believe that principled limits on public policy practice are required and are necessarily external to the situation and to the participants involved. To establish these limits, we need to discuss the role of the civil servant in public policy.

## PERSPECTIVE ON THE GOVERNMENTAL POLICY CONTEXT

Actions have historical significance. Whether the action is in thought, word, or deed; consciously deliberate or an unconscious reaction; each action arises out of a complex interaction. The emergence of the complete historical past of the universe, the individual's discrete past, and the individual's and every other individual existing, contributes to the shape of the future.

Each individual is at the apex of a long line of choices, happenstance, decisions, reactions, serendipity, and reactions that go back to the beginning of time. We did not arrive here by some act of conscious will on the part of the thousands of preceding generations that lived, sweated, bred, ran away, fought, and bled and died, but survived long enough to give us, an unknown future offspring, a chance at life. Nor can we foresee the future generations affected by our decisions and choices—or lack thereof. Add to that the ongoing confluence of the forces of nature, actions by every other living thing adding to the welter of complexity focusing on the present moment—that should be a humbling experience for anyone proclaiming to be the master of their fate and the captain of their ship. It should also be even more humbling for proclaiming simplistic policy responses to complex social issues.

Decisions made or not made today delimit future choices in tangible ways. There are no completely unimportant actions. Each of us is actively engaged in reproducing our society and culture. We modify, transform and/or replicate our society and its institutions through our daily actions. *There is a difference between conscious choice and habitual response.* However, it would be in error to assume that our society and culture is the product of reflective reason.

Culture, language, and the capacity to reason commingle in evolution and develop together. As Hayek<sup>46</sup> observes, each newborn is born into a cultural context which the brain can absorb, but not design, for the societal culture exists only by the co-existence of all the other brains constantly absorbing and modifying parts in the daily process of their lives. It is a truism that the most intelligent person in the world is not a fraction as intelligent as the knowledge of all us together. This is why you get rather odd results when you impose the idealized notions of human nature on the rest of us. It is, in fact, ignorance imposed on knowledge.

Social reproduction is a continuous and ongoing process. Each of us has the responsibility to act in a manner to enhance and preserve the capacity of present and future generations to actively participate in conscious social reproduction. This is a defined responsibility in a democracy. It is defined by the normative values enshrined in formal laws and regulations.<sup>47</sup> It is defined by the

---

<sup>46</sup> I cannot recommend Friedrich A. Hayek's three slim volumes entitled *Law Legislation and Liberty* too highly. They are excellent grounding for anyone working in public policy.

<sup>47</sup> This is not unproblematic. Governments pass laws to implement policies, like gun control, which is in fact reflective only of the normative value of a limited proportion of the population and not the society at large. Some laws simply defy common sense, like banning smoking within entire municipal districts, so not all laws have the same normative impact, but to get into a long discussion about laws which appeal to particular interest groups would take the discussion into a critique of the current interest group "satisficing," which is a complete work in and of itself.

social normative values that culturally delimit the appropriate ways and means that individuals in the society interact with each other. These defining laws and values are in turn bounded by democratic principles designed to preserve democracy from the tendency for majority power to be used to coerce minorities into a single definition of the “good” life.

This concept of social reproduction leads to the conclusion that the continuation of democratic society is decided at the level of individual, not group, action.<sup>48</sup> The propagation of individual impact through public policy action requires examining the particular responsibilities assumed by nonelected public officials. One of the questions is whether bureaucratic organizations select and/or retain and promote as members individuals willing to forgo personal autonomy, initiative, and moral integrity in exchange for membership and security. This would lead to a decreased ability of society as a whole to progress. As Bertrand Russell observed: “Change is one thing, progress is another. ‘Change’ is scientific, ‘progress’ is ethical; change is indubitable, whereas progress is a matter of controversy.”<sup>49</sup>

### *Problem of Bureaucracy*

The greatest threat to the continuation of a democratic society comes from within, not from without. I am not speaking of continuation merely in the sense of replicating traditional forms, or simply duplicating present forms. I mean continuation in the sense of maintaining adherence to democratic principles, that, at the very least, implies increasingly closer approximations of an ideal form.

Phrased in another way, the inability of modern democracies to respond to the evolutionary imperative of “adapt/evolve or perish” is self-inflicted. Governments have become increasingly bureaucratized in order to distribute an increasingly wider assortment of social “goods.” Added to this is government’s increasing addiction to making us behave “better.”<sup>50</sup> As a consequence, governments also regulate and control increasingly more of our daily lives—ostensibly for our own “good.” The increased emphasis on formal organization and regulation means that more and more of our lives are increasingly controlled by an interlocking set of bureaucracies.

The potential tendency to abdicate personal initiative within bureaucracies, combined with continued growth in formalized bureaucratic organizations, will result in a decreased ability of society to adapt to change. However, the capability to adapt to change is only one dimension of the challenge for democracy. Adaptability, like simple survival, has no necessary moral content. Of more immediate ethical import is that the abdication of personal autonomy for the sake of

---

<sup>48</sup> Whether the individual cedes his or her individual moral responsibility to a group or not is not relevant, as the individual has to do this either by affirmation or by silence when the group purports to speak for him or her, and as such is the level of decision.

<sup>49</sup> Russell, Bertrand. *Authority and the Individual*, copyright 1949, Beacon Press, Boston, Third Printing 1963, page 90.

<sup>50</sup> Anti-smoking laws are but one example; it is not enough to prohibit smoking in confined areas. Even in areas where smog is far more harmful than smoking in city parks, it is banned in all public areas.

security can result in a substitution of individual moral integrity for that of the organization.

For the purpose of this discussion, I will define moral integrity along two dimensions. First, it includes the capacity to make decisions and act on the basis of principles, or general rules, the validity of which the individual has been convinced through experience, reflection, and reason.

Second, it includes the capacity for accountability that requires:

1. the ability and inclination to cite reasons based on principles as to why the individual acted in one way rather than another; and,
2. the recognition of what the individual is accountable for as well as to whom the individual is ultimately accountable.

This definition is largely based on Seyla Benhabib's discussion of Hegel's derivation of the concept of right.<sup>51</sup> I have added elements consistent with Habermas's general communicative ethic requirements, although not in the form presented by Benhabib later in her book. The reason for the formulation I use is that I do not want to assume that interactions between subordinates and supraordinates in bureaucracies are intended to reach mutual understanding. They may, but are not necessarily so. I also want to emphasize the point that a civil servant has an a priori obligation to serve the public interest that supersedes any specific line of accountability requirements in the bureaucracy. I believe the Nuremburg trials following the Second World War have removed the excuse that an individual was simply following orders. The law cannot be excused on the basis of following orders for violations against humanity in the public interest.<sup>52</sup>

Within the framework I am positing, the individual civil servant with moral integrity holds her- or himself accountable to the public and is prepared to justify his or her actions to the public, even in the face of contrary pressures within the bureaucracy. Some may argue that I am advocating anarchy, where each individual chooses his or her own path regardless of the organization. This is an overstatement of my position, as not all situations raise moral or ethical issues. However, I prefer an anarchy of morally responsible individuals to an amoral dictatorship. The dictatorship may be very efficient. The fact that the trains ran on time in Nazi Germany was of small comfort to those being transported to the death camps.

The very core of the democratic experiment now known as the United States was based on the moral integrity of the individual. Read the documents surrounding the formation of the federation and the views of European nobility, and you will find assertions that the Americans were advocating an anarchy of individuals making their own decisions within a framework of agreed-upon principles. This was utterly foreign to the "intellectuals" who knew they knew better than the common man or woman. As a Canadian reading the collection called the

---

<sup>51</sup> Page 92 of *Critique, Norm, and Utopia—A Study of the Foundations of Critical Theory*, Columbia University Press, 1986.

<sup>52</sup> A prudent civil servant requests such directions in writing, in my experience that tends to terminate the directive, although there are career implications of taking such a position, as I know.

*Federalist Papers* and some of the correspondence with European intellectuals, I am completely amazed that these men persisted in their belief.

Government bureaucracies may well represent the remaining vestiges of feudalism long since discredited as a means of social organization. And so they will remain, until individual civil servants take on their responsibilities to serve the public interest and not merely their “feudal” master—be it their minister, deputy minister, director, or supervisor.

The basic dilemma facing modern welfare democracies is that the increased demand for the equitable distribution of social goods requires increased bureaucratization to efficiently and effectively oversee and ensure that all members of the society have equitable access to the social goods provided or promised by the government. But, increasing bureaucratization inherently means that not only is the equitable distribution of social goods unlikely, but also that the capability of society to adapt is impaired to the point that it becomes incapable of long-term survival. Add to this the number of agencies created to regulate our behaviour, and the gridlock becomes inevitable.

More pointedly, the bureaucratic organizations built to ensure an efficient, effective, and equitable distribution of such social goods as education, health, and welfare, focus increasingly on group entitlements and decreasingly on individual needs. This means that first equity is lost in the search for efficiency. The next to be lost is effectiveness, as the inexorable tendency to serve administrative ends means that effectiveness is also subordinated to the internal bureaucratic administrative goal of efficiency. The original intention of policy is inevitably buried under successive layers of goal displacement until the program or service meets the interests of the bureaucracy, rather than the needs of the individual clients or even society at large. The rhetoric used by institutionalized government social service organizations often sound like they attend to individuals. However, the methods used ignore the individual—except as a unit of measurement.

For example, take a Department of Education that describes its mission statement as: “The best possible education for all students.” Thematically, this had been described as a focus on the student. However, the primary departmental method of monitoring the education students receive is through standardized test scores which:

- a) redefines education into that which can be easily measured through standardized tests;
- b) makes the individual student the focus of measurement, not of education; and,
- c) substitutes standardized testing, which identifies what is important by virtue of what is measured for public discussions about what is the best possible education for all students.

The problem is not standardized tests per se; I am a strong supporter of ensuring that the curriculum is taught, but rather: a) the substitution of what is easily measured for public discussion of the role and purpose of education in a democratic society; and, b) shifting attention from the child as the subject of education to the object of measurement. The former

subverts the whole notion of democracy, while the latter effectively dehumanizes the child.

Most policy is determined by officials in the organization established to implement the elected officials' policies. For example, suppose the elected official, a minister of education, wants to ensure that every child arriving at school in the morning has had a nutritious breakfast before starting the school day. We can suppose that this minister believes that well-nourished children do better in school. How the minister formed this belief is conjecture. It may have been formed through reading the literature, it may have appeared in the local press, an official in the department may have mentioned it, or it came up at a cocktail party or golf foursome. Whatever the source, this particular elected official wants to make sure that the children in his or her policy area has the best possible chance at making the most of their educational opportunity. That is the intent. Now comes the action component of the policy, the decision as to how to accomplish this "policy."

At this point, the policy clearly involves more than one ministry and requires an interlocking set of bureaucracies. Each one has their own specific entitlement rules. At the very least, it involves the health department, as the policy involves serving food, and it probably involves the child welfare department, since it is a policy dealing with the non-educational welfare of the child. It also involves the treasury department, because food costs money and must be purchased. Rarely are there simply funds just lying about, so decisions as to what other "policies" to not fund or to only partially fund in order to fulfill this policy will impact other policy areas as well. Most likely, since it was the minister of education's idea, the department of education will have to make internal adjustments to its own budget, even though it will require the cooperation of other ministries. The elementary curriculum won't be done this year, or some other projects will be put on hold. All of these projects have their own advocates, interest groups, and policy implications seen as greater or better than the nutritious breakfast initiative. Add to this the various levels of decision-making and approval required, and it is unlikely that the child envisioned by the elected official will ever get any kind of breakfast at all under this program.<sup>53</sup>

By the time all the necessary government employees got together and thrashed out who was responsible for what, and how it would be done, the minister would have moved on to another portfolio and the bureaucracy would have survived yet another external innovation. The sad fact is that the policy would probably still fail even if everyone involved agreed with the intention of the policy and the basis for it. Once you have roles and mandates, you also have presumed rights and territories. It becomes a zero-sum resources game.<sup>54</sup> If someone gains resources to implement a program, someone else's program necessarily loses. Most of all, we all lose when serving the public interest becomes reduced to power plays to preserve existing

---

<sup>53</sup> Jeffrey L. Pressman and Aaron Wildavsky, *Implementation*, University of California Press, 1984. Chapter 5 deals with the complexity of joint action and very dramatically demonstrates that as decision levels and/or participants in the decision process increase, the likelihood that the program will ever be implemented as envisioned decreases dramatically.

<sup>54</sup> That is unless there will be a supplementary budget submission, which effectively throws it back on the minister to argue in Cabinet for his or her priority.

roles, mandates, and resources.

### *Organization and Individual Dynamic*

Why does this occur? Is there something built into the structure of bureaucratic organizations that “causes” this tendency to rigor mortis? Is there something basic in the personalities of staff successful in bureaucratic organizations that precipitates and perpetuates organizational maintenance and enhancement at the expense of the immediate clients and society in the longer term? Phrased another way: “Is the bureaucratic structure fine but the people wrong, or at the very least, insufficiently meritorious, rational, and objective to make the structure function effectively and efficiently?” or, “Are the people fine but the bureaucratic structure through hierarchical roles, rewards, and rules forces a technocratic rationality on caring, well-intentioned staff?”

These two perspectives are two sides of the same coin. Each organization ultimately is the result of people interacting with each other within the structure of position, rules, and regulations provided by the organization. The form of the organization at any point in time is reflected in the types of formal and informal interactions that are occurring. In other words, the organization is, as all living organisms, dynamic, not static. That is why the tendency to rigor mortis, the increased inability to adapt and/or change, and the placement of bureaucratic interests ahead of public or constituent interests, is self-inflicted. It requires the abdication of personal autonomy and moral integrity on the part of individuals within bureaucratic organizations. The perpetuation of the same bureaucratic tendencies under new forms simply gives the appearance of change, and attests to the power of learned forms.

Each individual is a member of multiple groups and socio-cultural contexts. For example, an individual may be a member of: a family, an alumni association, a fraternal order, a church, a work-related organization, and so forth. Within each of these groups, the individual will have different roles. The only constant in each of these contexts is the individual, and I propose that the role of the individual in any group is a function of an interaction between the individual’s expectations and normative framework and the particular expectations and normative framework of the group as a whole, and individuals within the group are perceived as important by the individual. The specific focus of this discussion is on the role of a civil servant in a hierarchically structured organization as an ongoing iterative dynamic in which both the individual’s and organization’s perspectives are changed over time. Argyris and Schön (1978) refer to this iteration as organizational learning, which is consistent with the perspective I am using.

Whether organizations are described in terms of corporate culture (Deal and Kennedy, 1982), theory in action (Argyris and Schön, 1978), or as interlocking interactions (Weick, 1979), what is referred to are patterns of beliefs and behaviour. These patterns are reflected in:

1. structure—definite patterns of relationships;
2. processes—dynamic interactions and contacts within and outside of the organizational context; and



### 3. goals—values and a sense of direction and purpose (Brameld, 1971).<sup>55</sup>

To justify these patterns, beliefs are the necessary symbolic normative counterpart to behaviour. These beliefs are categorical assumptions about the nature of reality that typically are not questioned, and therefore are very resistant to change. Each organization and individual uses processes, such as rule-governed standard operating procedures, to systematize beliefs for the purpose of facilitating choice-making among competing alternative actions in terms of some ultimate criterion (Holstein, 1974).

The role of a particular individual in a hierarchically structured organization is the product of the interaction between the individual's beliefs and expectations, the organizational beliefs and expectations, and the normative expectations that all people in communication with the position have for the incumbent in the position.<sup>56</sup> A related notion is that the interaction between the individual and these normative expectations is a mutual dynamic in which both are changed over time. The only question is, which is changed the most and with what result.

The role of a civil servant is organizationally determined by both formal and informal normative expectations. Formal expectations are reflected in defined role statements used as job descriptions, standard operating procedures, and regulations—the defining characteristics of bureaucracies. Informal expectations develop as a result of interpersonal communication and interaction.

Anyone who has worked at a variety of levels in organizations intuitively knows that as one moves up the hierarchy, the job description is an increasingly less accurate description of the actual job. The job description for an entry level accounts payable clerk can detail the duties and performance expectations with considerable accuracy. At this level, the organizational expectations may be clear and unambiguous, as the task is limited in scope and external contact. However, as the social context of the job increases, as in management, the actual job defies detailed description. The job description is the basis for classification and pay scale determination, and may reflect a set of duties and responsibilities determined to be required in the structural hierarchy.

---

<sup>55</sup> While Brameld's focus was on the larger culture, I am using his concept of patterns within the context of organizational culture which I accept in this discussion as synonymous with organizational ideology.

<sup>56</sup> The phrase "organizational beliefs and expectations" is not unproblematic. On one hand, some of these may be captured in the normal rhetoric produced by bureaucracies like mission statements, goals, and so forth. These concrete documents are presented to "outsiders" as the rationale for the organization. However, "non-insiders," those in the lower levels of the organization, or not included with the real power group, are also expected to accept the rhetoric as a sincere statement. It may, in fact, be used in a manipulative and insincere manner. On the other hand, the organizational beliefs and expectations include all of the associated unwritten beliefs that are rarely articulated, but those who share the common bonding of mutual understanding and power also share this domain as well. What is referred to in this context is the particular individual's understanding and abstraction of what is the dominant, as in powerful, ideology of the organization.

The increasing dissonance between job specification and actual job as you go up the hierarchy is due to two factors:

1. the lack of a specific technology for the task; and
2. the number of people whose normative expectations influence the performance of the task.

The technology of the task, where well defined and prescribed as in the accounts payable clerk position, is typically less precise in management. Yet, even with limited technological specificity, duties and responsibilities can be prescribed.

The real limitation on describing jobs is the number of people whose normative expectations must be considered in the performance of the task. The accounts payable clerk will have his or her coworkers, immediate supervisor, and his or her own personal expectations to deal with. As you go up the hierarchy, the number of people above and below the position with normative expectations about the performance of the incumbent in the position increases. A corollary to this is that as the number of individuals with expectations increases, so does the potential for ambiguity, since not all expectations will be compatible. When there are conflicting normative expectations perceived by the incumbent in a position, the situation is not only ambiguous but, depending on the power of the individuals holding the conflicting expectations, uncertain as well. This uncertainty may be experienced as threatening. It is in these everyday situations that the ethical issues about individual civil servants' exchanging personal autonomy, initiative, and moral integrity for security are most critical.

For example, if we consider a director of a planning and research branch in a department of education, it is possible to identify some of the major sources of job-related expectations as:

1. associate directors who report directly to the Director;
2. the technical and support staff of the branch;
3. his or her immediate associate deputy minister;
4. the deputy minister;
5. the other senior departmental officials requesting assistance and/or information;
6. external consultants;
7. external educational officials—university, school jurisdiction, national and international;
8. the media; and,
9. the minister of education.

Not all of these sources have equal influence, but the confluence of all of these normative expectations and their presumed importance, by both the incumbent in the position and the holder of the expectation, more completely define the normative boundaries of the job of the director than the job description could ever do.

It is the reality of civil servant roles at the higher levels as being more normatively than technically determined that makes reliance on formal role specifications problematic. The civil servant's natural inclination to meet the most direct and pressing expectations makes formal

role specifications essentially useless in controlling the tendency of the organization to self-maintenance at the expense of the social good. In addition, accountability to the public is typically so indirect as to render formal role specifications powerless as an effective monitoring mechanism.

How these expectations are dealt with by the incumbent is determined by his or her individual characteristics and normative value system. Each individual's characteristics are the unique product of a specific genetic heritage and formative life experiences. Each individual's social and personal relationships are a source of meaning and value as well as being a source of normative expectations about his or her actions and values. These factors influence the individual's worldview, which is composed of beliefs about reality, beliefs about knowledge and truth, and beliefs about what is valuable (Brameld, 1971). These beliefs, which form the basis for data, propositions, and theories of everyday life, are the framework with which the ongoing ambiguity in the organization is dealt.

The formal bureaucratic expectations, expressed through rules, regulations, tradition, and standard operating procedures provides simplified decision models for dealing with internal and external events. However, these formal statements are the ostensible theory of the organization, the public rationalization of its existence. The reality of the organization resides in the day-to-day interchanges of subordinates and supraordinates, promotions and rewards, inclusions and exclusions, punishments and dismissals. When an individual accepts as a basis for action, without normative question or reflection, the habitual patterns of thinking and responding dominant in the bureaucratically defined role, then only minor modification to trivial elements of the organizationally defined role can occur. The result is that the individual internalizes the particular moral worldview of the organization as his or her personal moral worldview, and in this process, forgoes personal autonomy and moral integrity for group membership.

The logical conclusion of this wholesale internalization is that the individual can claim in one context, such as the joint Congressional/Senate Iran-Contra hearings, allegiance to the American democratic process, yet purposefully mislead Congressional oversight committees on clandestine activities. The actions of individuals within the White House and Central Intelligence Agency, based on evidence presented during the Iran-Contra hearings, confirm this problem. This contradiction may be the result of simple deception, but it is also possible that the individual holds internally consistent beliefs specific to each organizational context. This consistency is maintained at the expense of developing a comprehensive worldview—since it is easier to be consistent within each belief system if major aspects of reality are ignored.

The pressure within organizations on individuals to conform to the prevailing worldview is pervasive. It is expressed through promotion and status rewards, as well as the prestige of being included in choice making situations (March and Olsen, 1976). Emphasis on being a “team player,” a member of the “management team,” and so forth, are synonyms for the internal cultural pressure of the organization on the individual to internalize the organizational moral worldview.

For example, in a branch of a department of government, there was a tacit policy to never admit to making a mistake. While the minister explicitly stated that he was more comfortable apologizing for a bad regulation or decision, the director would always justify the use of the tacit rule. Staff in the branch, because they followed the branch's own rules, never made an error and therefore there was no need to change even in the face of changing needs in the province. This approach preserved the "integrity" of the branch at the expense of flexibility and meeting the needs of the clients the branch was intended to serve. Weick and Argyris, and Schon observe that this approach produces stability, but at the expense of flexibility and long-term survival.

The critical determinant of the level of internalization of the organizational worldview is the extent to which the individual identifies him- or herself with the organization and derives a sense of personal meaning from membership in the organization. The stronger the level of identification with the organization, the more likely it is that the individual will forgo personal autonomy, initiative, and moral integrity in exchange for membership and security. The individual is also less likely to be a source of organizational learning that transforms the organizational normative culture to permit not just change, but progress as well.

An indicator of the level of identification with the organizational moral worldview or ideology is the individual's capacity to ask normative questions. Argyris and Schön observe that organizations develop ideologies (problem recognition and solving processes) that make certain types of questions "unaskable." The questions may be unaskable because they are unknown, or because there is a dominant tacit ideology that precludes these types of questions. Since responses to questions provide information, certain types of information are therefore not available to the decisioning processes in organizations. As a consequence, decisions made, even on the basis of all the information perceived available, will tend to result in more intransigent problems leading to increased organizational entrenchment and rigidity.

The solution is for bureaucracies, more specifically the individuals in bureaucratic organizations, to learn how to ask all of the questions relevant to detecting and correcting distorting organizational ideologies. However, questioning the organizational ideology requires personal autonomy, initiative, moral integrity, and a willingness to forgo security. This approach is not without risk. At the very least, more attention should be given to the character and moral integrity of the men and women promoted to senior levels in bureaucracies.

### *The Role of the Public Servant*

I believe that without a fundamental change in how our government institutions are staffed, monitored, and function, the continuation of a liberal democratic society, as we envision, is endangered. As stated earlier, I am not speaking of continuation merely in the sense of replicating traditional forms, or simply duplicating present forms. I mean continuation in the sense of maintaining adherence to democratic principles, that, at the very least, implies increasingly closer approximations of an ideal form.

The root of this tendency to self-inflicted rigor mortis is encouraged by an organizational system that rewards conformity and loyalty to superiors, confuses power with authority by substituting rank for competence, and has a deep and abiding mistrust of democracy as being an efficient or effective means of governing. A basic democratic principle is that those affected by a policy have a voice in its debate. In practice, this only happens by exception.

As a minimum, a private citizen in a democratic society has the right to expect appointed public officials to:

- a) be responsible citizens; and,
- b) serve the public interest.

The first is common to all citizens. The second is particular to any person accepting responsibility to make or implement government decisions affecting other citizens. The specific role of the public official is subject to these primary responsibilities whether he or she is a deputy minister of a ministry, a middle manager, or an entry level file clerk.

The basic problem in a democracy is who actually holds appointed public officials accountable? Elected officials come and go, but the appointed public officials endure and in all practical terms are accountable only to each other in a structured hierarchical manner.<sup>57</sup> This in effect means that survival in the public service depends upon pleasing one's immediate superior—or at least the most upwardly mobile, tactical, and powerful in one's immediate chain of command—and adhering to the organization's worldview. If all superiors were also morally and ethically superior, there would be no problem. However, public officials are not hired and appointed on the basis of the virtue of their character—this quality is not considered relevant.<sup>58</sup> This means that any link between the public interest and what appointed public officials do is remote, simply because there is no means for holding public officials accountable to serving the public interest.

I recognize that the concept “public interest” can be problematic and not easily dealt with in a brief discussion, but as a minimum, a private citizen has the right to expect public officials to demonstrate:

1. public orientation—the exercise of discretion should serve the public interest over constituent, bureaucratic, and personal interests and to be fair by treating like cases alike and unlike cases equitably.
2. reflective choice—critically examine and be clear about the values to be promoted or protected, be reasonably sure that the information used is adequate and reliable, and determine that assertions linking facts to values are soundly based.

---

<sup>57</sup> In parliamentary systems, deputy ministers serve “at pleasure,” which means that they can be replaced by the government leader at will. However, below that level the government leader cannot touch—officially, that is.

<sup>58</sup> Public service commissions all promote merit-based hiring, which in reality means that technocratic criteria are exclusively used, and the character and social maturity of the applicant is deemed irrelevant.

3. veracity—obligation to be truthful in presenting information to bureaucratic and political superiors and to the public, and be consistent by doing what they say they will do.
4. procedural respect—willingness to show consideration for the established ways of handling the government's business, but not blind obedience, and to justify exceptions on grounds and in language that any group of private citizens, with no vested interest, would understand and concur with.
5. restraint on means—hold back from using means that violate the law or the civil liberties of individuals, entail unfairness in the application of laws or administrative regulations, produce unjustifiable physical, mental, or social harm, or undermine citizen trust in government.

These principles will be elaborated in the next section to round out the general discussion with a more specific focus.

There is the further question of role obligations and when does a public official step in and out of his or her role as a public official. I will simplify the situation by accepting that a public official is in his or her role as a public servant when he or she and/or others with whom he or she is interacting understands them to be acting in his or her role as a public official, and not in some other role. That sounds unnecessarily wordy, but the thrust is that an executioner in the performance of his or her role-related duty will perform an act that, if done outside of the role, would be criminal. This is a necessary distinction to make some dividing point between public roles and private lives, although this distinction is never completely separated.<sup>59</sup>

One basic issue is whether statements made by an individual in his or her role as a public official can be considered binding on the behaviour of that same individual acting in his or her role as a public official. A related issue is whether the formal designation of responsibility for specific tasks and activities also carries with it the authority to accomplish the designated responsibilities. Related to this issue is whether power, by virtue of higher placement in the hierarchy, is sufficient justification to override the authority of expertise and the designation of responsibility in the accomplishment of the designated responsibilities.

In plain terms, does a superior have the right to intervene in a project delegated to a subordinate for no other reason than he or she felt like it at the time? At what point does the delegation of authority to the subordinate and the subordinate's superior experience and training take precedent over a superior's mere preference? Or is it a case where the boss may not always be right but he or she is always the boss and therefore you should always do as you are told no matter how ridiculous or counter-productive it may be? In other words, are all

---

<sup>59</sup> One's public role does constrain one's private actions. The image of a public official working during the day implementing policies that during their private time they actively agitate against is simply odd.

subordinates to defer their role-related moral responsibilities to their immediate superior at all times?<sup>60</sup>

This does not resolve the problem of the accountability of public officials, but does provide a basis upon which a public official wishing to be a responsible public official could function. The problem is that holding public officials accountable from the outside only deals with the most obvious examples of not serving the public interest. In addition, it is likely that it will also “catch” some being sacrificed by the bureaucracy to preserve its own control, and perhaps even get rid of ethical public officials.

I think a necessary adjunct to external control is the empowerment of public officials within the bureaucracy. This is substantially more difficult than may appear. As a starting point, I propose that the expectations that a private citizen has as a right for public officials are the same that public officials should have, as a basis, for each other. At the present time, there is very little protection for individual public officials wishing to raise the issue of public accountability internally.

There are essentially three options. One is to speak out externally to the media and suffer the long-term consequences of loss of job, pension, and benefits; and the likelihood that while one is admired, however briefly, he or she will be virtually unemployable. A second option is to speak out internally, not go public, but work within the system and its rules to address the problem. This is of varying degrees of effectiveness and if too effective the usual result of this approach is to be terminated with minimal compensation and the requirement that one’s lips be sealed. The alternative to this is to take legal action, which is long and laborious, and the issues never do come out, but are likely to be trivialized as personality clashes, and so forth. The third option is to accept the inevitable and to become one with the system, and at most speak out privately, but never in a manner so as to jeopardize one’s job.

There are several arguments related to the notion that a minimal ethical expectation of public officials is that they act consistently with how they say they will act. In effect, I am arguing that statements made by an individual in his or her role as a public official are contractual statements.<sup>61</sup> These same statements made by the same individual in a different role, such as condominium association member, may not be contractual.

One counterargument is the notion that expecting people to be consistent, i.e., do what they say they will do, is naive. However, to be naive to expect individuals acting in the role of public

---

<sup>60</sup> I need to add the caveat that I am dealing within the bureaucracy, and not with situations where an elected official makes decisions contrary to the best technical advice from his or her public officials. There often are political considerations, which makes the best technical choice not the right choice in the situation. I am not endorsing this, merely be aware that it happens and that the elected official has direct accountability to the public every election, unlike the public officials.

<sup>61</sup> Mind you, I also believe that departmental budgets approved by the legislature are also contractual statements, but it is the rare occasion when there is actual follow-up on this. Most audits consist of verifying that proper authorities were followed, not whether or not the program did what it claimed it would do.

official to do what they say they will do means that the grounds upon which our democratic society is based no longer exist. There is no reason to engage in actions considered central in democracy (one person—one vote, etc.) if I have no expectation that part of the contractual agreement between elector and elected is that when elected, the elected public official will do what he or she said he or she would do.<sup>62</sup> If this is the case with elected public officials, why does this not also apply to those public officials appointed by an elected official?

Another variation of the naivety argument is that management is the art of compromise, and only naive managers, or fools, expect public officials to always do what they say they will do. Circumstances alter cases, and discretion is required to distinguish amongst situations where following through on what was said would cause greater harm than not following through. There are several difficulties with this argument. First of all, what is expected is consistency, not blind rule following. Consistency requires that exceptions to expected behaviour be justified by a higher or greater good. For the public official, it is reasonable to expect that the public good is the highest, or greatest, good. For public officials to argue that the only option is between blind rule adherence and benevolent dictatorship is to grossly oversimplify the actual alternatives. What should be required is the justification by the public official when not behaving consistently with stated norms.

I believe that radical action is required in order to avoid stumbling further into the pit of bureaucratic totalitarianism. First is the recognition that administrative skill is an amoral skill and, as such, is totally inadequate as a determining measure for leadership in the public service. Of more critical impact is the character of the individual and his or her moral integrity—which includes the inclination to be accountable to the public interest. I am not advocating that we only hire senior public officials on the basis of character, but that along with experience and training this aspect be given a prominent place. A starting point surely would be to use as a basic framework for selecting appointed public officials the five principles just outlined.

One other issue is the question of authority. On what authority does the nonelected official take action? While it is enshrined in legislation delegated to the deputy minister by the minister, how does the minister acquire that authority? Simply referring to legislation is simplistic, and it is worthwhile to look briefly at some history.

#### Abbreviated Evolution of Authority

The Magna Carta, negotiated in June 1215, laid down two principles upon which English constitutional development was based.<sup>63</sup> One principle was that there were certain laws and customs that had greater authority than the monarch. The other was that if the monarch did not observe these laws, the people reserved the right to force the monarch to do so. These principles appear to be based on earlier reforms of the legal system begun in 1166 by Henry II.

There were several salient features of Henry II's reforms:

---

<sup>62</sup> If they do not, then shame on them, if we continue to re-elect them, then it is shame on us.

<sup>63</sup> Phelps W.P., Albion R.G. and Pope J.B. *A History of England and the British Empire*, 3rd ed., Ginn and Co., 1953.



1. criminal actions were seen not simply as an offence against a person or persons, but as an offence against the state and became prosecuted by the state not relying on prosecution by the individual harmed;
2. introduction of the jury system and fines for jurors rendering a false verdict; and,
3. the development of common law and the case system.

These reforms were probably critical to the evolution of a concept of laws and customs that bound a monarch as readily, within context, as it bound a serf.

The initial purpose of the sixty-three specific points of the Magna Carta was to safeguard and enhance the interests of the barons by placing boundaries on the power of the monarch. At the root were the abuses of the legal system by John and, by in large, the charter reaffirmed and extended the legal reforms started by Henry II. The common people benefited from the reduction of abuses in the legal system and by later extension of the privileges granted to the barons in the form of feudal entitlements.

What is interesting to me is that the barons negotiated with the king, and by that process accepted a priori the legitimate absolute authority of the king. This is not surprising, since the barons themselves benefited from the feudal hierarchy and the social stability of a church-sanctioned social structure. Had the barons assassinated the king to claim their rights, they would have also destroyed the very basis of the legitimacy of their right to be barons. I believe this point is significant and accounts for the differences between the content and structure of the Magna Carta when compared to the political philosophy embedded in the American Declaration of Independence of 1776 and the French Declaration of the Rights of Man in 1789. In the latter two instances, there were no powerful feudal interest groups vying to maintain their position and interests, rather they were the expression of untitled men laying claim to a further extension of the principles laid down much earlier. However, the implications go much further.

I believe that the undergirding presumption of the authority of the monarch and the doctrine of divine right, found in the British parliamentary tradition, supports a more authoritarian form of government than that found in the government system based on declarations that specifically deny these traditions. At a very basic level, the British parliamentary system delegate rights to individuals and, as under any hierarchical structure, reserves the authority to take away these rights. The government of Canada did just that under Prime Minister Trudeau in the sixties during the FLQ crisis in Quebec. However, at a subtler level, the government does this on a daily basis by reserving unto itself the option to not follow its own regulations. It is relatively recently in British legal tradition that an individual can sue the government, oddly enough referred to as the “Crown” in British tradition. Yet that is a qualified right in which the “Crown” reserves privileges not granted other groups or individuals.

In contrast, when the government is formed by the process of delegating individual rights to a common collective, as in the American model, the individual retained significant rights in relation to government—including the right to sue for redress and requiring the government to

abide by its own laws and regulations. In simple terms, the British system is hierarchically structured down, with authority flowing to parliament from the crown and from parliament to the courts and individuals. In Canada's version of the British system, the establishment of a constitution is a relatively recent phenomenon, and can be used to determine the legality or constitutionality of government action in the Supreme Court. The American system is hierarchically structured up, with authority flowing from the people on the basis of a constitution to three discrete but related entities: the Executive Branch; the Congress; and the Supreme Court. It is the starting point that matters in understanding differences between countries in what democracy is and means, authority is and means, and what civil servant moral responsibility is and means.

It is important to understand that prior to the evolution of the legal system to apply to monarchs, nobles, and commoners, the only institutional limitation on the tyranny of the monarch and nobility was the Church.<sup>64</sup> The Church had the authority to excommunicate kings as well as commoners. At various times in European history, threats of excommunication were all that stood between a modicum of law and order and absolute despotism. While the Church had its own excesses, it is fair to say that it did serve to curb large excesses in the exercise of power. Up until the divine right of king's doctrine, supported by Anglican and Lutheran theologians, gained currency, the prevailing thought was that the authority of kings was derived from, and was thereby subject to, the people. The king was obviously subordinate to the authority of the pope, because the king's authority was temporally based while the pope's authority was derived from the establishment of the Church by Christ and was therefore subject only to God.<sup>65</sup> This line of reasoning meant that a bad ruler could be justly deposed, since all royal authority derived from the consent of the people. It was against this consent argument that the doctrine of the divine right of kings was promulgated.

In order to get out from under what a king might consider unnecessary limitations placed upon him by a foreign pope, it was necessary to undercut the papal argument that temporal authority was derived from consent and was therefore subject to the spiritual authority of the pope, even in temporal matters. Of equal importance, especially to rulers with despotic tendencies, was the need to deny that the overthrow of a ruler could be just—which it could be if they ruled by the consent of the governed. By asserting that kings ruled by divine right, it became a given that people owed obedience to rulers regardless of their lack of virtue. This effectively made the law separate from morality. The king may be wrong, immoral, or brutish, but he was always the king, and by the very fact he was the king, by law he was to be obeyed. This shift from the consensus argument of the middle ages to the divine right of kings during the 1500s I believe set back democratic progress in Europe. In retrospect, the notion of the kings deriving their authority from the people laid the groundwork for the idea, encapsulated in principle in the Magna Carta, that the king was accountable to the laws and customs of the people governed. It also formed the foundation for liberal democratic principles developed by John Locke and seen in the American constitution.

---

<sup>64</sup> Will Durant in his eleven volume series on *The Story of Civilization*.

<sup>65</sup> Ibid. Chapter XXIII, pages 626–627, Vol. VII.

The divine right of king's argument directly denies the accountability of the king to anyone in this world that:

1. absolves him of any need to adhere to laws since what he does is ipso facto correct;
2. absolves him of any need to govern in the public interest; and,
3. makes any action taken against a king a crime.

The theological support for this position provided by Anglican and Lutheran theologians had much more politics than faith in their arguments. The break-away churchmen needed the temporal support of secular princes, while the secular princes needed the theological support of the theologians. A brief look at the early history of the Lutheran movement reveals that the support of the German princes had more to do with the economic incentive of being able to take over Church lands than with doctrine.

Similarly, in England, the establishment of the Anglican church had more to do with Henry VIII's desire for a male heir and the richness of church property than with doctrine. Whatever their current status, the Anglican and Lutheran churches owe their existence to the political support of secular rulers, and this support was repaid not only with legitimizing the seizure of church property and wealth, but also with the dubious doctrine of divine right of temporal authority. It is no accident that King James, made famous by the King James Version of the Bible, promoted the notion of divine right and the translation of the Bible into English to further encourage disassociation from external theologies and authorities. Whether or not the Catholic Church had grown too fat and corrupt is not my concern. It no doubt had many faults, given the record of history. My interest is in the effect of these historical events on our current notions of democracy, authority, and moral responsibility in government in countries with a British parliamentary tradition.

I believe that the implications of the divine right of king's doctrine continues to have a profound impact on how the authority of government is conceived and what the moral responsibility of individuals, either as private citizens or civil servants, is considered to be. For it is but a short step from the absolute sovereignty of the monarch to the absolute sovereignty of parliament and the assumption of unlimited authority. In this short step, the notion of consent is noticeably absent. As Hayek observes:

Indeed, the claim of Parliament to sovereignty at first meant only that it recognized no other will above it; it only gradually came to mean that it could do whatever it liked—which does not necessarily follow from the first, because the consent on which the unity of the state and therefore the power of any of its organs are founded may on restrain power but not confer positive power to act. It is allegiance which creates power and the power thus created extends only so far as it has been extended by the consent of the people. It was because this was forgotten that the sovereignty of law became the same thing as the sovereignty of Parliament. And while the conception of the rule (reign, sovereignty or supremacy) of law presupposes a concept of law defined by the attributes of the rules, not by their source, *today legislatures are no longer so called because they make the laws, but*

*laws are so called because they emanate from legislatures, whatever the form or content of their resolutions (page 4, emphasis in original).*<sup>66</sup>

This is why the a priori presumption of ministerial authority, and delegated bureaucratic authority, is simplistic if one accepts that authority arises from consent of the governed. The alternative is to forgo democratic principles and accept a form of totalitarianism—benign or otherwise. I clearly opt for the former, and it is within this context that the policy/planning framework has been designed and the principles for guiding ethical actions by nonelected public officials is presented.

---

<sup>66</sup> Friedrich A. Hayek, *Law Legislation and Liberty Volume 3 The Political Order of a Free People*, The University of Chicago Press, 1979.

## **SPECIFIC ROLE AND GUIDELINES FOR THE CIVIL SERVANT**

The policy/planning framework is put into action by civil servants. This requires attention to the role of civil servants and general ethical guidelines in how they function within the policy/planning framework outlined. Simply stated, any process can be used for ends we would deem immoral. Did the engineers in Germany during WWII, who used their technology and processes of design in designing the gas ovens that killed millions, know what they were designing? Did they stop to consider any values other than efficiency and effectiveness? Did they stop to consider any moral obligation other than obedience to the sovereign state?

Any tool can be perverted to serve ends entirely unintended by the designer. Hammers build houses; they have also been used to kill people. The tool itself is an inert, amoral thing; it is in the hands of the user where consciousness is applied that its application acquires moral content. So it is with the policy/planning framework outlined. I have attempted to lay out a background perspective that, if taken seriously, moderates the misuse of the tool. However, we cannot forget the everyday world of the civil servant working within a hierarchically structured organization.

My focus is on the specific role of the civil servant in policy as a member of the government bureaucracy that reports to an elected official directly accountable to the society. The role of elected officials is an important dimension of policy, but it is beyond the scope of my focus on the civil servant and ethical policy. I am, in this instance “old school,” a product of a parliamentary system of democracy. By “old school,” I mean that the bureaucracy endures despite changes at the political level, and therefore must have the enduring responsibility of preserving society from harm. And this is particularly problematic.

There is an advantage to the US system that enables changes all through the organization with a change of political leadership. Under a parliamentary system, only the heads of departments are appointed at pleasure, which means that the vast majority of the bureaucracy survives a government change relatively unscathed. That also means that the lower level appointments made/encouraged/forced by a previous government remain in place where they can effectively undermine policy initiatives of a new government they do not agree with. This is the reality. It is unfortunate but true. Their view of doing the right thing is ideologically driven and will steer the policy/planning process. My focus is on the professional civil servant and the role of the civil servant and what I believe are the responsibilities of the civil servant with respect to the authority of government in a democracy.

### ***Responsibilities of The Civil Servant***

Each individual in society participates in the ongoing re-creation of his or her society. Whether this is deliberative and conscious choice-making among alternative ways of living life and relating to established laws and social norms, or as non-deliberative moment-to-moment decisions, each individual's actions positively or negatively affect the ongoing re-creation of

their society. The ideal is the deliberative, rational approach to social re-creation—but not in a limited form of rationality. While each of us, in making rational decisions, considers the impact on those known to us, the civil servant, by virtue of his or her role, makes decisions affecting the lives of those who may be, but are more likely not to be, known to him or her. In policy, this may be even more profound, since the effects of policy can be both immediate and long-term for people impacted. Scheffler describes this tension in the following manner:

... human beings, generally, are both creatures of, and creators of culture. They do not receive the culture in wholly explicit form; rather, they are born into symbolic systems and arrays of norms that channel, in advance, the possibilities of their action. Nor do they, individually or collectively, redefine their cultures, in the general case, by promulgating new sets of norms outright. Rather, by the effect of their innumerable and continuing decisions on matters great and small, the norms they receive are elaborated and modified, supplemented, reduced or radically altered.

The policy-maker's situation is subject to this description as well, but represents a somewhat special case in three respects. First, in his typical role as incumbent of an institutional position, his decisions carry greater weight than the general run of individual choices. Second, the scope of his decisions is broader, affecting more people than is usually true of individual choices. Third, his decisions tend to be more articulate, subject in greater measure to institutional demands for formulation; the limiting case of policy—making in fact does consist of outright promulgation. (1985:117–118)

In effect, the civil servant has two primary responsibilities in a democracy:

1. to be a responsible citizen who through his various social roles contributes to social reproduction; and,
2. to serve the public interest by:
  - a) preserving the capacity for current and future individuals to participate in conscious social reproduction; and,
  - b) actively and reflectively engaging in social reproduction.

The first is common to all citizens. The second is particular to any person accepting an institutional or bureaucratic position empowered with the delegated public responsibility to make or implement policies affecting other citizens.

The ideal of democracy is that those making decisions affecting others be directly accountable to the public. This makes the role of the civil servant in policy problematic, because the bureaucrat's authority and accountability are respectively weak and indirect.<sup>67</sup> Authority is

---

<sup>67</sup> Ken Winston during his lectures in Ethics in Government, Kennedy School of Government, 1987, identified these problematic aspects of the bureaucratic function within government. While his attention was on appointed officials within the American system, I believe his argument works very well in the parliamentary professional civil service as well.

weak because it is delegated from an elected official, such as a minister of education, given constitutional authority for education. Through the Constitution, the citizens delegate to the minister authority for the content and processes of education. The minister in turn delegates sufficient authority to the institutional bureaucracy to function, but the more removed the civil servant is from the source of the authority, the citizens, the weaker is his or her authority. Accountability is indirect, because the minister is directly responsible to the citizens and is held publicly accountable for education. The further removed from the public the responsibility and accountability moves, the more indirect the accountability becomes.

For example, a civil servant working within a branch is not accountable to the public; rather he or she is accountable to the director, who in turn is accountable to the assistant deputy minister, who in turn is accountable to the deputy minister, who in turn is accountable to the minister. While the minister, through the government and legislature, is accountable to the public, the civil servants operating within the bureaucracy are increasingly less directly accountable to the source of the authority, the citizens, the deeper in the organization they are.

This is, I believe, the root of the legitimation crisis described by Habermas. The distancing of the civil servant, in his or her policy role, from the source of authority functions to shift the grounds for accountability and for justifying actions. Within the bureaucracy, this is a shift from a consensus on social norms to the more limited perspective of rules and regulations existing within the bureaucracy and enabling legislation.<sup>68</sup> As the enabling legislation increases in specificity, it creates a dependency on formal rights and entitlements based on a generalized notion of the citizen served. As the enabling legislation decreases in specificity, it permits the evolution of bureaucratic rules and procedures that tend to simplify the decision context for civil servants at the expense of the needs of individuals. On the positive side, the decreasing specificity of enabling legislation also permits the development of a policy-driven system that ideally would allow the meeting of discrete needs with a case-by-case application of the intent of policy.

The increasing role of bureaucrats in public policy in a democracy involves them in significant value decisions without the accountability traditionally presumed in a democracy. It is this increasing role in policy, coupled with the weak and indirect authority and accountability of the bureaucrat, that requires the development of ethical principles to guide the legitimate exercise of their discretion in policy. Warwick identifies the problem as:

... because they can hide behind the screens of bureaucracy and don the robes of professionalism, they are often less subject to public accountability than elected officials ... In the public mind, as in the lore of public administration, the civil servant is expected to execute policies devised by those with more direct electoral accountability. It is this gap between the image of the civil servant as

---

<sup>68</sup> This is the essence of the legitimation crisis. While Habermas describes the legitimation crisis as a breakdown of the consensus on social norms, I start with the bureaucratic characteristics of weak authority and indirect accountability as the causal factors to the breakdown of this consensus.

executor and the reality of the civil servant as initiator that underscores the need for an ethics of discretion (1981:94).

The need for ethical principles is most critical in bureaucracies like education ministries where the bureaucrat can "don the robes" of either professional educator or professional civil servant, depending on the situation.

Warwick is concerned with "an accurate understanding of the behavior and environment of the public servant; and moral principles applicable to the dilemmas arising in public administration" (1981:93). His concern is practical rather than theoretical. He deals with the direct and indirect, positive and negative roles of bureaucrats in policy formulation, implementation and evaluation. In policy formulation, civil servants play a direct role by taking leadership in a policy area, drafting legislation and negotiating broad interpretations of policy intentions. While society has the authority to determine the intentions of, for example, the education system, civil servants are responsible for translating these intentions into specific policies that are similarly composed of intention, action, and consequence components. It is the congruency between policy intents and socially determined purposes for education that is the test of the legitimacy of the policy. Civil servants are morally responsible, by virtue of being civil servants, for this congruency and for the harmony between societal normative democratic values and the action component of policy.

Civil servants play an indirect role by creating the perception or interpretation of a policy problem and by mobilizing interest groups or stakeholders for action. In policy implementation, civil servants can positively influence the execution of policy by setting programmatic strategies that concretize the policy, setting priorities, establishing organizational structures and accountability reporting lines, staffing programs, selecting who gets served by the policy, pressuring for results, and maintaining safeguards of the public interest. In their negative roles, Warwick notes: "Public officials may also prevent, stop, delay, sabotage, obstruct, or subvert the implementation of public policy, often in ways that are perfectly legal and which they consider highly moral" (1981:106). Any of the positive roles can be used negatively if used to frustrate policy implementation. In addition, the failure to fund, inaction, obstruction through setting up bureaucratic obstacles, and subversion are all means through which a civil servant can negatively influence policy implementation.

Policy evaluation is "the most direct connection between implementation and further policy formulation" (Warwick, 1981:108). Civil servants can steer evaluations to personal preferences by specifying which methodology is to be used, selecting specific criteria for evaluation, selecting evaluators, and, selectively reporting the results. All of these decisions require the exercise of discretion by the civil servant. Each of these decisions affects policy. Decisions made in policy formulation directly impact on the intention component of policy. Policy implementation decisions directly impact the action and strategic action consequence components of policy. Policy evaluation decisions impact the consequence component of policy in terms of the focus of the evaluation on the achievement of policy intent or on the achievement of specific implementation objectives.



However, the totality of the civil servants' impact on policy is not through a single individual but through many individuals, some of whom are other civil servants with different organizational roles with different levels of authority and expertise actively involved in different aspects of the policy process.

For example, the policy decision to provide a family life option in the health curriculum was translated into specific curriculum by individuals not involved in the formulation of the policy. Further, the specific implementation of the curriculum was and is being done by teachers having no input into the curriculum design. Finally, the evaluation of the outcomes, in terms of student learning, will be done by a separate group with no role in the design or implementation of the curriculum or policy. I am not arguing that this approach is necessarily good or bad, rational or irrational. The point is that bureaucratic organizations are structured along the lines of division of labour to improve efficiency. That means that multiple actors are involved as a policy moves through the different formulation—intention, action, strategic implementation, and evaluation-consequence phases. The issue is not whether a division of labour is the best way to organize—that is a separate issue—but rather, which guidelines should be used by civil servants generally and which guidelines should they use specific to their roles in policy. The subsequent discussion focuses on perspectives of the "good" in order to address the conclusion drawn earlier that policy is ultimately based on some notion of the good society and the critical issue is whether the notion used by civil servants is justifiable.

### *Civil Servants and the "Good"*

Warwick identifies four different types of "good" defined by external and internal interests that impact on civil servants. The external types of "good" are defined by:

1. the public interest—"the set of conditions and outcomes providing advantage to the society as a whole"; and,
2. constituency interests—"the goods sought by interest groups within the public."<sup>69</sup>

The internal types of "good" are defined by:

1. bureaucratic interests—"two forms: expansionism, such as seeking a larger staff, an augmented budget, broader jurisdiction, or other sources of organizational power; and protectionism, or the defense of the agency's domain against encroachment by other power contenders"; and,
2. personal interests—"the individual pursuit of private advantage in the public service" (1981:112).

---

<sup>69</sup> Although Warwick does not explicitly include professional interests within constituency interests, I believe that enhancing the beliefs and values held by professional groups, such as educators, is a specific form of constituency interest. An alternative placement for professional interests would be as a form of bureaucratic interest, in the sense that professional groups are organized with a central bureaucracy; however, this placement would require that all organized interests, such as parent groups and school trustees, be categorized as bureaucratic as well. For the present discussion, I prefer to use bureaucratic interests exclusively in relation to the central government agency.

I prefer to conceptualize these various interests as sources of legitimation as they identify the broad types of argument that a civil servant may offer to justify his or her actions. The listing also suggests a hierarchy of preeminence, in which the public interest can trump any of the other interests, and personal interest can be trumped by any other interest.

From a theoretical perspective, this is appealing. It identifies the types of interests to be considered when dealing with the question of the interests served by a particular policy. In reality, it is not practical to assume that civil servants will necessarily be capable of consistently distinguishing among and between various sources of interests. It is simpler—not right, but simpler—to serve particular constituent interests, such as professional interests. It may well be the most efficient means to serve personal and bureaucratic interests. These, in turn, likely will be erroneously interpreted as serving the public interest.

Nevertheless, the categorization of interests provides a useful basis upon which to examine arguments used to justify policy actions as legitimate. The only legitimate basis on which to justify policy action is on its congruency with socially determined policy intents. I identify the public interest with the normative framework provided by the socially determined social purposes. It is on this foundation of the fundamental responsibility of civil servants that ethical guidelines are developed.

### *Civil Servants and Ethical Guidelines*

In order to even consider developing ethical guidelines for civil servants, one has to assume that civil servants are not merely players in power games motivated solely by self-interest or, at the other extreme, completely obedient to superiors in the bureaucracy. Warwick describes the first extreme as administrative Darwinism, the second as Weberian idealism. Warwick describes the contrast as:

Both views present enormous difficulties for an ethics of discretion. Administrative Darwinism effectively denies the need for such an ethics, arguing instead for the hidden hand of competing interests. Weberian idealism is more open to ethics, but would define it so narrowly that some of the largest areas for the exercise of discretion would be ruled out as illegitimate. The middle ground adopted for this essay might be called *dialectical accountability*. Its key assumptions are that (1) the exercise of discretion is not only legitimate but unavoidable; (2) the pursuit of personal, bureaucratic, and constituency interests is morally acceptable provided that it does not work against the public interest or create other significant harms; and (3) public officials are neither fully rational in their administrative actions nor totally lacking in rationality. They rarely if ever seek all the possible alternatives for action, search for all the information relevant to each alternative, and weigh the advantages and disadvantages of each option for choice. But at the same time they are not blindly driven by organizational routines and by self-interest, so that reason can influence their decisions. Accountability is thus dialectical in the sense that moral choice

involves the competing pulls of routine and reason, obedience and initiative, narrow interest and the public interest (emphasis in original, 1981:114–115).

With this perspective, Warwick captures the reality of bureaucratic organizations. Discretion, however much it may be denied or avoided, does exist, and civil servants do exercise discretion. Individual civil servants must "accept a responsibility to pursue the public interest, that they stop pretending decisions are made by others, that they explain and justify and take the consequences" (Fleishman, Liebman, and Moore, 1981:ix). Civil servants are not totally rational or irrational, but approximate either extreme depending on the situational demands and competing interests involved. The emphasis here is on obligating civil servants to publicly justify their decisions and actions on the basis of the public interest. Moore states the issue as:

... public officials must accept the notion that the legitimacy of their actions depends crucially (I am tempted to say exclusively) on the extent to which the authorizing process for their actions approximates the ideal decision process ... the officials' obligation to seek legitimacy through a process that approximates the ideal process increases as the action they contemplate becomes more important ... the amount of legitimacy officials must secure through an elaborate process of consultation *diminishes* with the officials' own degree of accountability. If officials can be easily removed from office, they may be able to take greater risks with the legitimating process than they could if they were solidly entrenched ... So a civil servant with civil service protection should take fewer risks with the process than a political appointee who serves at the pleasure of an elected chief executive (emphasis in original, 1981:25–26).

In effect, Moore advocates an inverse relationship between accountability and the need for consultation. The greater the degree of direct accountability to citizens, the lesser is the amount of consultation required. In education, this presents an interesting perspective since individuals within the bureaucracy will typically have lower direct accountability than a superintendent working for an elected school board, but can also have greater discretion in policy formulation. Moore's formulation works quite well in bureaucratic organizations, but in a system of education, it permits a superintendent to take far more liberties with curriculum policies, on the basis of his or her direct local accountability, than may be desired from a provincial level. However, from the perspective of civil servants in bureaucracies, Moore's position appears justified. The problem then arises as to the processes used to legitimize decisions. Yates describes the problem as:

Traditionally, the debate about bureaucratic power has not led to demands that administrative policy-makers should justify their actions publicly and in substantive terms. We have tended to focus instead on "administrative process" values and, as such, to demand that bureaucracies be accessible, accountable, participative, responsive, and responsible. In the course of observing these process values, public officials may have to give reasons or substantive justifications, but that is not the central purpose of these administrative values.

They involve at root certain tests of appropriate government procedure, and the measure of the tests is whether government is open to citizen claims and complaints and provides processes for participation, hearings, review, appeal, and remedy where an administrative error has been found to exist (1981:40–41).

However, these administrative processes, established to serve as a counter-balance to the increasing bureaucratization of democracy, are a concern when the terms, such as "participation," are ambiguous. Does participation mean to be heard, to be only consulted, to establish the normative parameters for decisions, or to be involved in making the decision? What any one of these processes means will depend upon the particular organizational environment and civil servants involved.

For example, a minister of education stated that the public and stakeholders were permitted to participate in the discussion, but that the minister makes the decision. The response of stakeholders to this announcement was that this reduced them to ineffective participation bordering on an attempt at co-optation by the bureaucracy. The minister was correct in his position, given his constitutional authority, but when the issue under discussion relates to the social purposes of education I argue that even his authority is limited.

In any event, how one defines any one of the processes designed to provide a democratic window of accountability into bureaucracies will determine what the ideal process is to be. I believe that the ideal process is outlined by Habermas in his description of communicative discourse that is specifically suited for reaching a rational consensus about the values to be achieved by policy.

Further, just as communicative discourse and communicative ethics applies to debates in all knowledge areas, they apply to debates in all interest areas as well. In effect, the process of communicative discourse provides not only the means through which the definition of the "good" society can be reached, but also, within that framework, the identification and clarification of the constituent, bureaucratic, and personal interests involved as well. From this perspective, Moore's advice that the civil servant is to follow the ideal process for not only the intentions of policy, but also the means, or action aspect, is consistent with the position advocated. The methods and legitimizing arguments will differ, but the process of discourse and the validity criteria applied are the same as previously discussed.

In order to qualify the situations that require the full legitimizing or consultation process, Yates proposes:

... two criteria as useful guidelines: (1) a policy merits open public accounting when it either represents a nonroutine initiative by a bureaucracy or when it constitutes a marked departure from past practice; (2) a policy merits public accounting when it involves the application of a major social value such as equality, equal opportunity, personal liberty, or the public interest (1981:45).

This perspective proposes that since some policies have evolved over time, they have thrashed

out the relative value arguments so that, unless there is substantive change, the necessity of consultation to establish legitimacy is minimal. The downside of this position is that it is oriented to the status quo. Previous policy decisions are presumed to be legitimate simply by virtue of having been made in the past. I believe that this proposal tends to ensure organizational entrenchment, since existing patterns are maintained and new perspectives, regardless of how superior they appear to be, must prove themselves through an extensive consultation process. When a civil servant is faced with the alternative to base new initiatives on old policies, or to legitimize a new initiative as a new policy, thereby requiring time consuming consultation, there will be a strong tendency for the old policy to be maintained. By creatively reinterpreting existing policies, in light of emerging demands for policy action, it is theoretically possible that the process of consultation could be entirely avoided.

As a decision guideline for civil servants to demarcate policy initiatives requiring public accounting, it serves a general purpose. But it creates problems at the margins where new interpretations of parts of old policies are an ongoing reality and new policy initiatives are discouraged. For example, during the 1970s, the social studies curriculum in some provinces changed dramatically from a focus on history and geography to a more socially oriented perspective including values clarification. While the tradition of providing a social studies curriculum was maintained, the revised curriculum represented a marked departure from tradition. It is questionable whether the previously prevailing justification for social studies applied to the changed curriculum. However, on the basis of the traditional justification, the new curriculum was introduced. The change in curriculum policy, as identified by the new curriculum, was actually a new policy dimension that required the full justification process suggested by both Moore and Yates.

However, the effect of using traditional justifications to legitimize what in effect are new policy initiatives is a fact of bureaucratic life. At issue is the question of how much change in policy is necessary before full public justification is required. The overly cautious civil servant will continuously seek validation, and thereby both trivialize the legitimizing process and accomplish very little. The overly results oriented civil servant will ignore the legitimizing process and, while accomplishing a great deal, may accomplish the wrong things. Clear mandates as empowering, and accountability as constraining, set the boundaries between these two extremes.

If we accept as a truism that: "Public officials are obliged to pursue the public interest—to use the powers and resources of their offices to accomplish public purposes efficiently and effectively" (Moore, 1981:9)—then we should be concerned over the expenditure of resources on accountability processes. It is not clear that these authors have really considered the resource, efficiency and effectiveness implications of the accountability processes they recommend.

Rather than adopt the polemic that no price is too high for the preservation of democracy, I am more interested in articulating ethical principles that civil servants concerned about their moral obligations in a democracy can apply in their practice. I know that unethical civil servants exist. I

also know that often these civil servants flourish, are promoted, and are viewed as effective and efficient by senior managers even though the reality may be starkly different. I am not concerned with analyzing why this occurs. I am concerned only with the civil servant who recognizes his or her unique moral responsibilities and seeks to improve the ethicalness of his or her own work in policy.

### *Ethical Principles*

Warwick proposes five ethical principles as a preliminary, not exhaustive, list of principles that can be used to guide the exercise of administrative discretion by civil servants. They provide a useful framework within which to discuss the ethical aspects of civil servants' roles in policy.

The five principles are:

1. public orientation;
2. reflective choice;
3. veracity;
4. procedural respect; and,
5. restraint on means.

### Public Orientation

The exercise of discretion should serve the public interest over constituent, bureaucratic, and personal interests. Warwick does not expect civil servants to be motivated solely by the public interest—only that it be the primary concern. The first question is, of course, how the public interest is to be determined. The second question is how determinations are made that one program serves the public interest better than an alternative program. The first question deals with the formation of the statement of the public interest. The second deals more particularly with the criteria and processes used by civil servants to select among alternative policy and program initiatives in terms of better serving the public interest. Conceptually, the notion of the public interest:

... is not discrete individuals articulating their basic rights and interests and then concluding a compact for their mutual protection, but people gathered together, in society, to articulate the interests they hold in common and to devise means for their community—wide or society—wide implementation ... they allow one to assume *common* constraints, and compel on to think of *aggregate* impacts (emphasis in original, Price, 1981:150).

I have argued that the public interest is served primarily by the development and preservation of the capacity for conscious rational social reproduction. The particular formulation of the public interest must be subject to validation. The problem arises as to the processes used to develop the particular formulations of the public interest. Clearly, obligating civil servants to serve the public interest does not "imply that they have either the duty or the right to develop their own conceptions of what the public interest requires in particular situations ... They need not, indeed *should* not, feel that they have to make all the decisions about purposes and programs themselves" (Moore, 1981:9).

Moore is particularly concerned with the criteria and processes used by civil servants in determining the public interest in specific decision situations. He proposes that there are fundamentally two different ways to conceptualize the public interest: "One conception is the analysis of benefits and costs based on the logic of welfare economics. The second is the analysis of rights and responsibilities drawn from specific conceptions of justice" (1981:14–15). His categorization is similar to that proposed by Habermas as complementary solidarity and formal reciprocity, although Moore adopts a more calculus orientation to describing the differences, since he uses economics as a grounding concept. The welfare economics, or benefit-cost, approach to identifying the public interest:

... begins with the notion that the appropriate way to value the diverse effects of a given policy is to let their values be assigned by those who are affected. Intuitively, this notion is extremely attractive. It reserves an important right—the right to say what is valuable and what is costly, what dignified and what undignified, what virtuous and what contemptible—to individuals. In doing so, welfare economics honors the capacity to assign value as something fundamental to human existence (Moore, 1981:16).

This fundamental respect for individuals is, for Scheffler, a critical component of the policy-maker's role that requires treating people as subjects not as objects of policy. Treating people as subjects means:

1. acknowledging the existence of their perspectives and perceptions; and
2. respecting such perspectives in the formulation of policy.

These two aspects, acknowledgement and respect, require policy-makers to recognize the equal power of others to legislate rules for themselves and is a recognition of human dignity (1985:103). For Scheffler, the

recognition of human dignity as an ideal of policy is a matter of prizing people's powers to order their own lives; it is equally a matter of prizing social arrangements that honor such powers. Policy inescapably influences lives, but such influence is properly directed toward the enhancements of human dignity, thus interpreted (1985:103).

Scheffler touches on the key issues of the empowerment of members of society to fully participate in the formulation of the intent of policy and the establishment of the normative limits for the exercise of civil servants' discretion in policy. The thrust of communicative ethics is to ensure that each individual's opinion must be first respected by being heard, and then subjected to validity claims to be accepted. In doing so, the dignity of each person is respected and enhanced within the formulation of policy on the basis of the better argument alone. This is a form of participatory learning and assumes that participants are both sincere and truthful even if their opinion is not valid.

Moore identifies the practical problem of how to determine "the value that affected individuals actually do assign to the imagined effects" (1981:15). This problem arises at the point of

selecting strategic actions to implement policies. This relates to the consequence component of policy. Because of Moore's economic orientation, the calculation of a "value" as a quantifiable measure is problematic particularly when it is used to resolve what becomes the fundamental moral issue as to "whether losses to one group of citizens can be justified by 'larger' gains for others" (1981:16). This approach appears to be the basis for policies which used busing as a programmatic means to achieve desegregation in Boston. In Alberta, there was a proposal to change corporate taxing from the local to the provincial level in order to pool tax revenue to redistribute on the basis of local need. The nonresidential tax base was not equally distributed across school jurisdictions, and the proposal attempted to ensure that every child in Alberta, regardless of where he or she lived in the province, had access to an equitable education. In both the Boston and Alberta situations, some social groups or jurisdictions will "lose," but the majority or society is expected to gain. In both instances, a social principle was the basis for the benefit-costs calculation, and not the calculation that led to the principle involved. *I emphasize this point in order to highlight that both the welfare economics and justice approaches deal with the appropriate boundaries for strategic means to achieve a given end of policy. Their focus is exclusively on implementation, and not determining the normative limits on action or policy intent.*

The justice approach uses the standard of rights and responsibilities and starts with:

The idea is that with respect to some goods, activities, and conditions individual preferences should *not* be the basis for assigning social value. Instead, society as a whole should establish the value without reference to individual preferences ... by requiring individuals to accept rights and duties, and by preventing exchanges in these areas, society forces individuals to act as though the rights and duties had infinite value (emphasis in original, Moore, 1981:17).

In effect, socially established rights and responsibilities, since they are established by collective as opposed to individual preferences, are viewed as having more legitimacy than individual preferences. For example, compulsory school attendance is typically a requirement for children between the ages of six and sixteen, unless excused from attendance by the school superintendent for the good of the child or other children. Parental preference to not send their children to school, whether religiously or philosophically based, is not accepted as a legitimate reason for not sending their children to school. There has been a shift to permitting alternative forms of schooling, such as homeschooling, and the focus has shifted from attendance in school to being under efficient instruction—which means following the approved curriculum. This shift in emphasis from "being in school" to "being under efficient instruction" really does not change the original intention. It does reflect a change in the normative boundary of acceptable action as to how an adequate education can be strategically delivered. The education of children, specifically as laid out in the curriculum, is presumed to be a right of each child and the responsibility of the state. It is not open to debate and is in effect presumed to be of infinite value. What cannot be ensured is equal access to the same range of educational opportunities in every town, village, and city. People make choices of where to live and work and raise a family. Those choices serve to limit or expand access to a particular range



of educational options, but what can be ensured is access to a standard basic education.<sup>70</sup>

While the conception of welfare economics recognizes our plurality and our different conceptions of the good life, the conception of equal social rights and responsibilities recognizes that there are essential areas in which members of a society are, or should be, the same.

If there are some areas in which we are the same, these must be the defining characteristics of being human. If they are the defining characteristics of being human, then they must be invested with a special significance: they represent minimal conceptions of human dignity which cannot be trespassed without making someone less than human ... the establishment of generally shared rights and duties meets individual and social needs to define the place of individuals in a collective enterprise ... rights define the areas in which individuals will be powerful and autonomous, not only with respect to one another, but also with respect to the government (1981:17–18).

The problematic aspect of entitlements is that not all rights can be satisfied in all situations at all times. Individuals' rights can conflict, and it may not be clear whose rights should take precedence. Perhaps in reference to the historical case of Sumner's winning the legal right of Sarah in the mid-1800s to attend her neighborhood school, and Judge Garrity's 1971 legal decision requiring busing, Moore asks as an example, "do the rights of some citizens to equality of educational opportunity outweigh the rights of other citizens to attend schools in their own neighborhoods?" (1981:18). Sumner's legal victory gave Sarah the right to attend her neighbourhood school, while Judge Garrity's decision effectively overrode that right on the basis of the presumed right for equality of educational opportunity.

Moore concludes that both the welfare economics and justice approaches, used exclusively, are inadequate guides for civil servants determining the public interest. He recommends that:

... officials searching for the public interest must accommodate two fundamental problems. The first ... is the insufficiency of either the welfare standard or the justice standard when each is taken alone. The simple summation of individual preferences attached to effects fails to guide policy because it ignores legitimate *social*, as opposed to individual, values, and the distribution of gains and losses among individuals in different social positions. The assertion of a more or less limited number of absolute rights and inescapable duties is either inadequate in guiding policy (because it leaves many important effects of policies unvalued) or

---

<sup>70</sup> This is an ongoing situation in the provision of services in rural and remote areas. While people living in a village of three hundred people would probably like a police detachment, hospital, college campus, recreation centre, and schools equivalent to what is available in larger urban centers, meeting these aspirations is simply economically ill-conceived. However, some services, like health care and policing may be deemed necessary services to all citizens within the jurisdiction and may be provided despite the cost.

distorting (because it forces us to reject policies where rights are abridged even in situations where the rights are defended by elaborate procedures and suitable compensation can be arranged). The second problem for officials is that the specific content of both conceptions changes over time as a result of changing social conditions. Values that individuals assign to certain kinds of effects change with social conditions. So do the kinds of things that are called rights and duties (emphasis in original, 1981:19).

The resolution of this dilemma is to recognize that policy decisions require the balancing of individual and societal needs with rights and entitlements. In the discussion of Habermas, I phrased this balancing as between complementary solidarity (normative) and formal reciprocity (entitlement), and I believe this is the same balancing challenge. Moore advocates using aspects of both the welfare and justice criteria, but ultimately holding public officials accountable for publicly justifying the legitimacy of their decisions. From the welfare economics approach, public officials should:

... accept the responsibility to foresee the consequences of policies for individuals, and, when it is convenient, gather information about the values that individuals place on the diverse effects. But they should also go beyond the welfare economics criterion to see that the social interest in guaranteeing rights in some areas and promoting equality in others is reflected in the policy choice (1981:20).

This requires the thinking through of the consequences of policy at the level of the individuals affected when selecting strategic implementation actions. This level of decision-making requires that the public interest, as defined by guaranteeing rights and promoting equality, is maintained, and further, that the normative values of society are respected.<sup>71</sup>

What is problematic in Moore's position is that he has predetermined the public interest as being the guaranteeing of rights and the promotion of equality. That appears to place the justice criterion as the preeminent basis. This is further reflected in his statement that public officials "should accept the notion that society as a whole has a legitimate interest in guaranteeing rights, even when individuals would abandon them and other individuals in the society would benefit from the abandonment" (1981:20). In other words, individual preferences and policy consequences may be ignored providing that rights are guaranteed and equality promoted even if the individuals involved would prefer that they were not. This is paternalistic in the sense that the civil servant, following this prescription, necessarily determines what is best for individuals and society on the basis of rights and equality despite

---

<sup>71</sup> The equality being promoted is procedural and not outcome oriented. The pursuit of equality of outcomes is a futile and misguided pursuit. The only basis on which that orientation can be pursued is with the presupposition that there are no differences among individuals in talent, skill, intelligence, character, etc. An alternative is to accept that there are individual differences but that there should not be, and to my mind both positions are inherently flawed.

what the individuals themselves believe. Paternalism may in fact be justifiable on the basis of social, or collective, imperatives for the good of society. However, I believe it is an incorrect starting position for a civil servant in a democracy.

Although Moore does not explicitly recognize the paternalism inherent in his formulation, he does advocate that public officials recognize their influence on rights and entitlements and take responsibility for their decisions.

... since rights and duties can change over time, and since governmental action in a just society inevitably creates precedents (since it always carries an expectation of equal treatment across individuals and over time), officials should consider how current policies affect the *future* structure of rights, entitlements, and duties. Moreover, they must realize that their actions are not only *reflecting* but also *shaping* these future rights and duties ... to accept responsibility for deciding issues and explaining their decisions in ways that strengthen the *process* of defining social and individual values ... because the officials' actions affect these things. While the structure of the government frees officials to choose for all of us, and while they must do this as conscientiously as possible, they must ultimately acknowledge their subordination to social processes and their general obligation to make broad social processes work as well as possible. At the very least this means that in deciding on specific policies, they must give their reasons. They must explain which values are taking precedence, which are being subordinated, and why. At the most basic level these are obligations of the officials to themselves, otherwise how could they justify their own actions to themselves. But they are also their obligations to the rest of us. We need them to explain their actions partly so that they become accountable to us, and partly so that they can help our political choices become what they ought to be—a deliberate social weighing of relevant values in particular decisions against the backdrop of a changing context of individual preferences, rights, entitlements, and duties. Their justifications are part of the process of discovering what individual and social lives are possible at a given moment (emphasis in original, 1981:20–21).

In Moore's framework, civil servants have a critical political role to play in the process of refining individual and social values, rights, entitlements, and duties. Every policy decision in some manner affects the future structure of these aspects of our lives. Moore correctly identifies the necessity for civil servants to publicly justify decisions that affect individual and social values, rights, entitlements, and duties.

As per the previous discussion, claims to legitimacy, in terms of serving the public interest, are essentially claims about the “rightness” of policy. The claims for the “rightness” of policy are in two forms:

1. the congruency of policy intention with the socially determined aims; and,
2. the congruency of policy action with social norms reflected in legal and moral

obligations and expectations.  
Both claims must be subject to validation.

The bounding knowledge framework for civil servants is reflected in legal and moral obligations and expectations. These obligations and expectations are the prescriptive basis for action and, as I have argued, should be subject to deontological ethical criteria. In a pluralistic society this is particularly challenging, as different socio-cultural and economic groups may well have competing values and normative expectations. Each of these, as well as the resulting social consensus agreement concerning normative obligations and expectations, may be based on distorted knowledge that requires a critical approach to the normative values used.

In particular, where there is a multiplicity of interests (personal, bureaucratic, constituent, and public), it is necessary to critically review the values and deontological norms used to justify actions. While the values and deontological norms inherent in each particular interest may be compatible, it is essential to ensure that broader norms and values are not subverted by narrower interests. This leads to the second of the five ethical principles outlined by Warwick.

#### Reflective Choice

In order for civil servants to justify decisions it requires

... that public officials be clear about the values to be promoted or protected, rather than embrace them without examination; be reasonably sure that the information used is adequate and reliable; and be consciously persuaded that assertions linking facts to values are soundly based (Warwick, 1981:118).

The major impediment to the exercise of reflective choice is the tendency for civil servants to follow, often without much thought, the rules and procedures embedded in organizational routines. Warwick refers to this normative organizational context as the "conventional wisdom" of the bureaucracy.

For example, suppose a grade 7 student applied to a correspondence school for a high school German course but was refused on the grounds that junior high (grades 7 to 9) students could not take high school courses. The student had emigrated from Germany and was fluent in German, but the admissions officer followed the rules of the correspondence school and denied the request. The rules enabled simplified decision-making that in this instance clearly did not address the needs of the student. The parents complained to the minister and the student was permitted to enroll in the desired course—but without receiving academic credit. The essential notion in reflective choice is to overcome the tendency to pursue less comprehensive personal and bureaucratic interests, through the maintenance of rigid routines and decision structures, to the exclusion of the public and, in this case, constituent interests.

Reflective choice requires the capacity and inclination on the part of the civil servant to be involved in the rational deliberation described earlier and to be clear about which form of rational criteria is used—hopefully appropriately. It involves being clear about the values being

pursued and their linkage with the policy alternatives proposed to resolve particular problems. Yates identifies the "first obligation of the appointive official or bureaucrat is to be *explicit* about the value premises and implications of public decisions" (emphasis in original, 1981:34). This obligation includes the explicit articulation of the values and principles the civil servant seeks to further *and* the specific manner in which these values and principles are endorsed by the specific policy decision.

Further, I believe reflective choice requires the readiness to resolve conflicts over values and principles and specific policy alternatives through argumentation. Civil servants must be capable of justifying their decisions on the basis of fundamental social values and principles rather than on the basis of bureaucratic routine and traditional patterns. Yates identifies this as:

... the public official's fundamental moral obligation in a democracy is to pay increased attention to the definition and treatment of values the more these values are in conflict in a decision and the more difficulty there is in doing the accounting of who gets what ... whether the value conflicts are great and the accounting problems are substantial, I believe public officials should provide a more thorough value analysis as one of the central justifications of public decisions ... Without such an accounting, citizens can never know how and why their officials decided to act as they did. Without that knowledge, it is hard to see how the idea of democratic control of administration can be anything more than a dangerous fiction (1981:38).

On this basis, any decision that cannot be justified on the basis of fundamental values and principles is likely to be an arbitrary exercise of power and not one based on the public interest or reflective choice as defined. Whether the decision is the allocation of office space or the selection of curriculum, if the decision cannot be justified on the basis of socially accepted fundamental principles and values it is likely also to be unethical. Therefore, the *right* decision is the one supported by the best reasons (Fischer, 1986:89).

However, pushing reflective choice one step further requires that the intentions of policy, the fundamental values and principles on which policy is based, must also be subject to the exercise of reflective choice. Price describes this problem in terms that:

Too often we assume that the "ends" of our politics and policymaking will be readily agreed upon by all persons of good will, and that the critical ethical questions concern the employment of questionable "means." The fact is, however, that the ends toward which we ought to aim and the priorities we ought to adopt are anything but self-evident; these substantive questions, moreover, demand more straightforward attention than we would be likely to give them were we to take our cues solely from the everyday situations that individual actors experience as problematic. Hence the importance of ... normative policy analysis (1981:143).

While Warwick's attention is focused more on the selection of means and the fair treatment of individual cases, Price correctly identifies that the intentions of policy must also be subject to reflective deliberation, or, in his terms, normative analysis. However, from my perspective, the grounding of the “ends,” or intention of policy, must be through the public determination of the social aims and values to be pursued. For the civil servant, the critical issue is whether the intention of the specific policy in question is grounded in the socially determined aims that define the public interest.

Brown addresses the issue from the perspective that civil servants, like everyone else in society, are subject to legal and moral rules. Legal rules are embodied in law enforced by the state, moral rules typically do not have the coercive power of the state behind them. Moral rules, he argues, are of two forms:

1. general rules—that state our obligations to all other persons without reference to our relationship to them; and,
2. role-related rules—that define our specific obligations in particular roles.

This distinction is similar to my identification of the responsibilities of civil servants in a democracy to be a responsible citizen (general) and to serve the public interest (role-related). Role-related obligations may involve us in conflict and/or excuse us from general rules. An example is the role of public executioner in a society using capital punishment but with moral and legal rules prohibiting an individual from killing another. Brown's focus is on the process through which a civil servant refines and alters his or her moral principles in the fulfillment of role related obligations. He describes the process as “reflective equilibrium” that starts with intuitions about what to do in particular cases, the development of moral principles that systematize and justify the intuitions, and finally results in moral theories that relate and justify the principles developed. Specifically:

Reflective equilibrium is a process by which we refine and alter our moral principles by examining our considered intuitive sense of what is right in a given circumstance in light of principles or theories that grow out of those intuitions ... The word “considered” signals that intuitions that are to count as evidence must pass certain minimal tests: they must be formulated on the basis of adequate information, under circumstances conducive to deliberation, and must not be mere rationalizations for self-interest, or based on misleading analogies.

Reflective equilibrium has two parts. It is reflective in that one moves from a series of considered intuitions to the principles or theories that seem to govern those intuitions; and one returns to the intuitions in order to alter them to fit the principles or theories most closely ... Equilibrium is attained when the principles or theories fit the intuitions that fall under them (1981:294–295).

Unfortunately, Brown's description of reflective equilibrium does not require intersubjective communication as part of the process and thereby leads too easily for this to be a rationalization process rather than a reflective process. An individual civil servant could conceivably sit in his or her office and undergo reflective equilibrium within his or her own

head. In the process of reflective choice or reflective equilibrium, it is essential that the process include communicative discourse as an essential component. Moral claims must be validated. Failure to justify moral claims through discussion leaves too much opportunity for the development of distorted moral justification and, like Yates and Price, I believe moral values and principles, claimed as the justifying basis for policy decisions, should be publicly justified.

Underlying reflective choice is one of Habermas's basic requirements for communicative discourse, truthfulness and/or sincerity, that requires that the individual civil servant have sufficient self-knowledge to be capable of truthfully expressing his policy intentions. Within the context provided by Warwick, this requires the specification of whose interests are being served and the values and moral principles used to justify policy action. The emphasis on emancipation through enlightenment depends upon the revelation of distorting self-knowledge and institutional domination that prevent the recognition and achievement of true interests. Emancipation, for the civil servant, involves the reflective development of publicly validated moral principles and understanding of the public interest and policy action directed toward meeting the public interest. As part of this process, the third ethical principle advocated by Warwick becomes critical.

#### Veracity

Simply stated, veracity is the obligation to be truthful in presenting information to bureaucratic and political superiors and to the public. It involves the obligation to avoid lying and to respect the ability of others to gather and present true information relevant to the policy discussion. The avoidance of lying prohibits the presentation of false information or incomplete or distorted information in a manner intended to deceive the listener into drawing inaccurate conclusions in line with the civil servant's desires, regardless of how laudable the interests to be served are.

It does not require absolute openness either, but rather the complete presentation of the relevant information. One of the major pieces of information, as identified under the first two ethical principles and required as part of discourse, is the presentation of the values used and assumptions made by the gatherers, analyzers, and presenters of the information. The data can be thoroughly analyzed by stringent statistical techniques, but the initial manner in which the information is gathered and the question posed to organize the data collection predispose the analysis to particular value premises.

I extend Warwick's notion of veracity to also include the recognition of the valid knowledge (truth) claims that can and cannot be made by different scientific methodologies. The veracity of the empirical-analytic sciences depends on the conformity of the specific application to acceptable practice. Using empirical-analytic sciences to answer value questions is inappropriate, as argued earlier. Similarly, the interpretive sciences and critical sciences also have standards that, if not followed, undermine the legitimacy of the knowledge claims being made. Veracity therefore includes not only the accuracy of the information presented, its completeness in terms of available information, but also the questions, methods, and interpretive approaches used in developing the information.

In the day-to-day world of bureaucracy, the requirement for veracity may be problematic. For example, during competition for limited fiscal and staff resources for programs, each civil servant is expected to present the best case for one's respective program. In practical terms, this means presenting one's program in the most positive light possible. In the resulting discussion, ideally the strengths and weaknesses of each program will be identified. However, not all participants have equal communicative abilities, bases of power, or strategic abilities. In a micro sense, this approach exemplifies the interest group approach to decision-making in that the advocacy of all limited interests is presumed to lead to the consideration of all legitimate interests.

It is within this type of situation that veracity becomes increasingly problematic. Exaggerated claims for programs, understated cost and understated or overstated political implications, and internal politicking in this typical situation may place the ethical civil servant at a disadvantage in the competition for resources. Even if all participants were following the principle of veracity, it is expected that each civil servant's particular program will be viewed by him or her as the most important.

I believe the only way to resolve this situation is through discussion to resolve competing claims. In this process, all controversial truth claims are subjected to rational justification. An essential component of this discussion is the justification on the basis of fundamental principles and values. This will not guarantee that the best decision will be made, but it establishes a framework within which competing truth claims can be assessed. When considering frameworks for communicative action the fourth principle advocated by Warwick is relevant.

#### Procedural Respect

Warwick advocates a fundamental respect for established procedure, "not mindless deference but a willingness to show consideration for the established ways of handling the government's business" (1981:122). Bureaucracies develop formal and informal procedures that routinize situations into manageable components. Regularly recurring crises have established routines developed to efficiently and effectively respond to what initially may have been a destabilizing impact on the bureaucracy.

For example, Alberta went through a period where teacher strikes were a regular and often protracted occurrence. During one of these strikes, the minister directed the Alberta Correspondence School to provide correspondence courses for all students affected by the strike. The school was not prepared for such a massive distribution of all courses, and the initial directive caused considerable internal difficulty. Existing procedures could not deal with the need for immediate service, and a completely separate system of student registration and course recording was established. This maintained the traditional procedures and dealt with strike-bound students in a completely different manner. However, as a result, the school developed a strike response procedure that provided immediate educational service with minimal internal disruption. Yet, in the same school, course development, student registrations, and course distribution and grading proceeded along the lines established during the 1940s.



Traditional procedures in the course development area were followed even though the completion rate of students in courses was very low. Respect for established procedures must be qualified by the purpose for the procedure and the effectiveness of the procedure in achieving its intended purpose.

In effect, I am arguing that procedures must be legitimized in the same manner as policies, particularly since they represent the specification of a policy. Warwick does not relate procedures to policies. However, in my experience, bureaucratic procedures do not exist in a vacuum; they are always related to some “policy” whether administrative (government-wide or departmental/branch) or programmatic. For this reason, I believe that, to be legitimate, procedures must be justified on the basis of policy intention.

Within the context of justifiable procedures, I agree with Warwick that “procedures should be observed unless there are compelling reasons for deviations” (1981:122). Compelling reasons presume that there is some purpose served by the procedure that would be better served by not following the procedure. The types of compelling reasons I think are limited to: appeals to the intention of policy, providing it itself is congruent with fundamental principles and values; following the procedure would result in a higher-level interest being overridden by a lower, such as constituency interests by bureaucratic; and, following the procedure would result in unjustifiable harm to an individual or individuals.

Procedures are in reality simplified decision-making systems that enable civil servants to be more efficient and effective in general. Without simplified decision systems, each situation could involve a civil servant in agonizing over each detail before reaching a decision. The issue is not whether procedures are necessary, but the extent to which they are vested with a life of their own. However, procedures, in simplifying the decision-making responsibilities of civil servants, also tend to focus on preserving bureaucratic interests in self-maintenance.

They also serve personal interests to the extent that violations of public or constituent interests are justified, and accepted, on the basis that the individual was only following established procedure. The previous example of the grade 7 immigrant from Germany wanting a high school German course is an example of this latter phenomenon. The adherence to procedures, as a substitute for individual decision-making responsibility, is a self-protective device for civil servants more concerned with not doing anything that might conceivably be considered “wrong” by their superiors than they are with serving the public or client interests. Since it is their supervisor that does their performance appraisal, and not the client, there is a built-in vested personal interest in attending to the supervisor rather than the client.

I think procedures are an example of the norms expressing a consensual expectation of acceptable behaviour within a social group. For the civil servant, procedures are the means through which, ideally, fair and equitable treatment of individual cases is achieved.

Habermas describes two ethical aspects of actions normatively regulated by procedures:

1. subjective validity—the actor must sincerely believe him- or herself to be following an

- existing norm of action; and,
2. objective validity—the norm in use is regarded as justified among those to whom it applies (1984:104).

As I have argued earlier, these are deontological claims about the legitimacy of the norms involved. While I agree with Warwick that "A bureaucracy simply cannot function with rules that are outnumbered by exceptions, and with procedural arrangements perceived as personalistic or otherwise inequitable" (1981:122), I believe that procedures can avoid personalism and inequity only through critical validation.

Warwick recognizes the necessity of exceptions to established routines, and his concern is the overly free use of exceptions that undermine legitimate procedures in the pursuit of programmatic objectives. The Iran-Contra hearings were a vivid example of this concern, where in the pursuit of what particular individuals believed was an ultimate good, the existing system of checks and balances procedures was ignored even to the point of lying to congressional hearings.

Anyone who has worked in the role of change agent in government knows the frustration of procedural rules that effectively block immediate change. I have come to recognize that the slowness of the ability to change is a safeguard against dramatic swings in bureaucratic orientation that could cause harm to existing legitimate services. On the other hand, this dinosaur-like evolution prevents immediate adjustment to changing social realities.

For example, up until the early 1980s, Alberta's economy was booming. Money for programs was not a problem, and government services expanded. With the recession, every government department has had to cut personnel and services. Alberta Education used this period as an opportunity to reorient to a policy- and value-based management approach focused on student outcomes. In the process, many established routines were swept aside and were replaced by more flexible outcome oriented procedures. In effect, the previous expansion of programs had established rigid formal definitions of appropriate behaviour that became increasingly unable to deal with the needs of students. From the perspective of maintaining existing bureaucratic routines, the changes were catastrophic. However, from the perspective of reorienting the bureaucracy to fundamental principles and values, the changes were incrementally successful.

However, whether a civil servant operates in an environment of rigid rules or policy guidelines, Warwick proposes the Law of Procedural Reciprocity as a guideline for evaluating exceptions to established procedures. His admonition is Kantian in form, and states: "Seek exceptions to established procedures only when you would grant the same right to others in comparable circumstances"(1981:122).

My concern with this formulation is that the Iran-Contra conspirators could very easily accept this formula by defining the comparable circumstances as the national security of the United States. In order to constrain the application of this formula within acceptable limits, I add the necessity of validating both the subjective and objective dimensions of procedures and

their exceptions. Therefore, the Law of Procedural Reciprocity functions within a deontological framework that is validated both subjectively and with those affected. As a further constraint on procedural respect, Warwick proposes a fifth ethical principle.

### Restraint on Means

Where civil servants have discretionary authority within procedural requirements, the pressure to produce results may encourage overriding moral or legal restraints in the pursuit of a desirable objective. Warwick describes this principle thus:

Restraint begins as reflective choice, but becomes reflection guided by the public interest. This standard requires the official to hold back from using means that violate the law or the civil liberties of individuals, entail unfairness in the application of laws or administrative regulations, produce unjustifiable physical, mental, or social harm, or undermine citizen trust in government (1981:123).

The application of this principle requires balancing risk-aversion against blind results orientations in applying or ignoring procedures. The risk-aversion approach elevates procedural rules to the level of infallibility, or uses them as excuses to justify actions taken or not taken. In effect, the focus on procedural rules ignores the intention of policy and even of procedures, and limits attention to following established means. In other words, the means justify the end. In contrast, a total results orientation attempts to justify actions on the basis of the ends achieved. In this case, it is the extreme of the ends justifying the means.<sup>72</sup>

The problematic aspect of this formulation is what constitutes "unjustifiable" harm. In this context, the definition of the public interest, both in form and content, is crucial. The earlier discussion of public orientation, including Moore's categorization of the welfare economic and justice approaches, provides principled limits on the form through which "unjustifiable" harm can be approached.

The issue still remains as to the basis upon which any harm can be justified. On one hand, this is an issue of consciously abrogating legitimate interests and needs (harming) in the process of producing desirable social benefits. On the other, it involves the basis upon which a civil servant can be excused for having unintentionally caused harm to legitimate interests. The conscious overriding of legitimate rights and interests can be done, I believe, only on the basis of normatively justified social values, developed through communicative discourse. The excusing of unintentionally caused harm, even if we accept as a premise that a civil servant has followed all the ethical guidelines, still requires resolution.<sup>73</sup>

---

<sup>72</sup> A recent German immigrant family applied to the correspondence school to have their junior high aged son take the high school German course. The boy clearly had the language ability, but the school rules prohibited a junior high student from taking a high school level class, so the request was refused and justified on the basis of the rule. The same correspondence school had an unwritten, but well understood, "rule" that it never made a mistake. It was incapable of learning from situations, all in order to preserve the fiction.

<sup>73</sup> In the eighties in Alberta, the Social Services policy for placing Aboriginal children in foster homes was a "repatriation" policy, which meant that Aboriginal children were placed with Aboriginal families on established

Thompson addresses this problem through a discussion of the moral responsibility of civil servants. He introduces his discussion by identifying:

Two kinds of excuses—based on what may be called causal and volitional responsibility—are familiar enough in everyday moral life. We excuse persons for a harm insofar as their actions did not cause the harm, or insofar as the actions were not the product of their own will. Sometimes in private life, but more frequently in public life, we encounter a third kind of excuse: an appeal to the requirements of the role or office an official holds (1981:267).

In this framework, there are causal, volitional, and role related moral excuses that civil servants may appeal to in order to excuse the consequences of their actions. Thompson notes that the causal excuse is limited in its usefulness particularly since a single individual is rarely the "cause" of a policy. He limits the causal criterion to a civil servant being "a cause of an outcome in the sense that the outcome would not have happened but for one's act or omission" (1981:268). From this perspective, a civil servant is morally accountable for only those actions that by their specific commission or omission caused harm.

Volitional excuses come in two forms:

1. claims of ignorance; and
2. claims of compulsion.

Obviously, if one could not anticipate the likely consequences of an action, or if one was compelled to act in a particular way, the moral responsibility for the consequences is reduced. However, what counts as valid claims for ignorance or compulsion excuses is critical. Thompson describes the problem as:

Following Aristotle, we may consider two kinds of volitional excuses—those of ignorance, and those of compulsion. Ignorance (not knowing that a certain description applies to one's action) does not always count as a valid excuse, or even as grounds for mitigation. Only if the ignorance is not negligent (only if, for instance, the official should not have been expected to know that his action would have certain harmful consequences) would we be prepared to accept the excuse. In the case of public officials, standards of negligence largely depend on how we understand the formal and informal requirements of roles or offices. The question is not so much "What did the official know and when did he know it?" but rather "What should he have known?"

Similarly, we cannot decide whether compulsion should excuse officials without

---

reservations and not with caucasian families. The principle behind this was to ensure that each Aboriginal child is brought up in his or her own language and culture, and was a response to historical patterns opposed by Aboriginal groups. This policy, while laudable, was the indirect cause of the death of a fourteen-year-old Aboriginal girl "repatriated" to Saskatchewan, where she was killed. I am convinced that the harm caused is unintentional, but I believe it is also not acceptable.

deciding what their roles require of them. We may legitimately expect persons who hold public office to resist some extreme pressures more than if they did not hold office ... When public officials plead that they had no choice, they often may be interpreted as saying that they did not choose the *range* of alternatives within which they made their decision ... Excuses of compulsion therefore need to specify precisely how a range of alternatives constrains the person who invokes the excuse (emphasis in original, 1981:268–269).

From this perspective, the specific role of the civil servant determines responsibilities, as the limitation to claims of ignorance, and authority, as the limitation to alternatives. In both claims, Thompson seems to suggest public accounting of the justification claims.

I believe Thompson is correct in requiring public accounting of harm done to members of the public, and I would specify that the accounting be done to the interests harmed (either justifiably or unjustifiably). Therefore, public harm is publicly accounted for, constituent harm is accounted to the constituents, bureaucratic harm to the hierarchical structure endangered, and personal harm to the individual harmed. I take a somewhat harder line than Thompson in that I hold the civil servant responsible for harm caused under any condition and I require accountability as appropriate. I see no other way of ensuring that individual cases are dealt with individually. The accountability process should follow the requirements for communicative discourse in order to facilitate the understanding of those harmed and to increase the understanding of policy consequences by civil servants.<sup>74</sup>

Thompson's perspective makes the legitimacy of the excuse being employed dependent on the interpretation of the civil servant's role. The notion of role identifies the specific responsibilities, authority, and discretion that a civil servant "acquires by virtue of holding a particular office" and it also "delineates a moral division of labor which, within limits, may be justified on the ground that it promotes a more efficient pursuit of moral ends" (1981:269). Role determines means. Means are both legitimate, as assigned to the role, and suspect, those the incumbent in a role assumes outside of his or her legitimate role.

For example, a civil servant may be responsible for the development of the high school math curriculum. In this role, the civil servant works with a number of committees with public and professional representation, and the final curriculum produced is the result of many discussions and revisions. In his or her role, that is primarily the management and leadership of the development process, the civil servant can legitimately influence the content of the curriculum. However, if the resulting curriculum does not, in the opinion of the civil servant, sufficiently emphasize algebra for example, it is suspect for the civil servant to proceed to influence the constructors of the provincial examinations to emphasize algebra in the examination because it is beyond his legitimate role-related authority. The net result of the examination's emphasizing algebra is that classroom teachers also will emphasize that aspect of the curriculum beyond the

---

<sup>74</sup> Focus groups and townhall-type meetings are ways to achieve this, but the essence is for interactive consultation.

level required by the curriculum. It is difficult in this example to identify harm, that is why I selected it, but it focuses attention on the specific role-related authority of the civil servant as delimiting the moral range of acceptable action.

### *Concluding Comments*

This chapter lays a framework for guiding ethical conduct of nonelected public officials. As noted earlier, a persistent problem in policy is that the definitions of policy used by participants determine the questions asked, the sources and types of knowledge used, the methodology used, and the policy products.

Participants' definition of policy is determined by their role in the policy process. Recipients of educational policy, students, their parents, and other clients, tend to view policy in terms of outcomes. Formulators of policy, at the legislative and bureaucratic level, tend to see policy in terms of intent. Between these two positions are program implementers who view policy in terms of strategies, guidelines, or implementation action norms. Public discussion about policy appears to be confounded by recipients speaking in personal outcome terms to civil servants listening for intent or strategies. As a result, recipients tend to view discussions of policy intent as mere rhetoric, lacking concrete substance, and to experience discussions of policy strategies as manipulative processes.

Civil servants in the implementation role, particularly those directly involved in delivery, will also tend to view discussions of policy intent as irrelevant to their interests. This lack of effective communication is, I believe, the result of a limited understanding of the policy process. The framework I have presented is an attempt to link societal intent directly to outcome as perceived by recipients. I am placing a great deal of responsibility on civil servants to be the communicative linkage between the societal intent, as expressed in policy intent, and the outcome of policy. This expectation may be too great for civil servants. However, I do not see any alternative, in an increasingly bureaucratized democracy, other than to hold those who assume the role of civil servant morally accountable to the public for their diverse policy roles.

## BIBLIOGRAPHY

- Argyris, Chris. "Making the Undiscussable and its Undiscussability Discussable." *PAR*, May/June (1980) 205–213.
- Argyris, C. and D.A. Schon. *Organizational Learning: A Theory of Action Perspective*. Reading, MA: Addison-Wesley, 1978.
- Bates, R.J. "Towards a Critical Practice of Educational Administration." Paper presented at the Annual Meeting of the AERA, New York, NY, March 1982.
- Benhabib, Sylvia. *Critique. Norm, and Utopia—A Study of the Foundations of Critical Theory*. New York: Columbia University Press, 1986.
- Bowers, C.A. "Ideological Continuities in Technicism, Liberalism, and Education," *Teachers College Record* 81, no. 3 (Spring, 1980).
- . "Emergent Ideological Characteristics of Educational Policy." *Teachers College Record* 79, no. 1. (1977). 33–54.
- Brameld, Theodore. *Patterns of Educational Philosophy*. New York: Holt, Rhinehart, and Winston Inc., 1971.
- Brown, Peter, G. "Assessing Officials" in *Public Duties: The Moral Obligations of Government Officials*, edited by Joel L. Fleishman, Lance Liebman, Mark H. Moore. Cambridge, Massachusetts: Harvard University Press, 1981.
- Bullough, R.V. and S.L. Goldstein. "Technical Curriculum Form and American Elementary-School Art Education." *Journal of Curriculum Studies* 16, no. 2 (1984). 143–154.
- Carr, William and Stephen Kemmis. *Becoming Critical—Education, Knowledge and Action Research*. Philadelphia: The Falmer Press, 1986.
- Deal, Terrence E. and Allan Kennedy. *Corporate Cultures—The Rites and Rituals of Corporate Life*. Addiso-Wesley, 1982.
- Fischer, Frank. *Politics, Values and Public Policy—The Problem of Methodology*. Boulder Colorado: Westview Press, 1980. Reprint 1982.
- Gottlieb, Roger S. "The Contemporary Critical Theory of Jürgen Habermas." *Ethics* no. 91 (January, 1981). 280–295.
- Guba, Egon. "The Effect of Definitions of 'Policy' on the Nature and Outcomes of Policy Analysis." *Educational Leadership* 44, no. 2 (October, 1984).
- Habermas, Jürgen. *The Theory of Communicative Action—Volume One—Reason and the Rationalization of Society*. Translated by Thomas McCarthy. Boston: Beacon Press, 1984. German copyright 1981.
- . *Legitimation Crisis*. Translated by Thomas McCarthy. Boston: Beacon Press, 1975. German copyright 1973.
- . *Theory and Practice*. Translated by John Viertel. Boston: Beacon Press, 1974. German copyrights 1963 to 1971.

- . *Knowledge and Human Interests*. Translated by Jeremy J. Shapiro. Boston: Beacon Press, 1971. German copyright 1968.
- Hayek, Friedrich A. *Law Legislation and Liberty Volume 3—The Political Order of a Free People*. Chicago: The University of Chicago Press, 1979.
- Hoffman, Mark. "Critical Theory and the Inter-Paradigm Debate." *Journal of International Studies* 16, no. 2, (1987). 231–249.
- Holstein, Hans J. *Homo Cyberneticus 1 The Simulation of Everyday Life: A Synopsis*. Uppsala: Sociografica, 1974.
- . *Homo Cyberneticus 2 Towards an Epistemology of Dynamic Causal Modelling*. Uppsala: Sociografica, 1974.
- . *Homo Cyberneticus 3 Heuristic Simulation Programming*. Uppsala: Sociografica, 1974.
- . *Homo Cyberneticus 4 Artificial Psychology and Generative Micro-Sociology*. Uppsala: Sociografica, 1974.
- . *Homo Cyberneticus 5 A Macro-Sociological Framework*. Uppsala: Sociografica, 1974.
- March, James and J.P. Olsen. *Ambiguity and Choice in Organizations*. Oslo: Universitetsforlaget, 1976.
- Mezirow, J. "Concept and Action in Adult Education." *Adult Education Quarterly* 35, no. 3, (1985). 142–151.
- . "A Critical Theory of Adult Learning and Education." *Adult Education* 32, no. 1, (1981). 3–24.
- Moore, Mark H. "Realms of Obligation and Virtue." In *Public Duties: The Moral Obligations of Government Officials*, edited by Joel L. Fleishman, Lance Liebman, and Mark H. Moore. Cambridge, Massachusetts: Harvard University Press, 1981.
- Roderick, Rick. *Habermas and the Foundations of Critical Theory*. New York: St. Martin's Press, 1986.
- Scheffler, I. *Of Human Potential—An Essay in the Philosophy of Education*. Boston: Routledge & Kegan Paul, 1985.
- Sergiovanni, Thomas J. "Cultural and Competing Perspectives in Administrative Theory and Practice." In *Leadership and Organizational Culture—New Perspectives on Administrative Theory and Practice*, edited by Thomas J. Sergiovanni and J.E. Corbally. Chicago: University of Illinois Press, 1984.
- Warwick, Donald P. "The Ethics of Administrative Discretion." In *Public Duties: The Moral Obligations of Government Officials*, edited by Joel L. Fleishman, Lance Liebman, and Mark H. Moore. Cambridge, Massachusetts: Harvard University Press, 1981.
- Weick, K. *The Social Psychology of Organizing*. Second edition. New York: Random House, 1979.